

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2008

DARRYL W. FOXWORTH,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-4759

[August 20, 2008]

PER CURIAM.

Defendant appeals his conviction for possession with intent to deliver. We agree that the record fails to show evidence of any intent to deliver. Accordingly, we reduce the conviction to simple possession.

The case is remanded for the entry of judgment and sentence accordingly.

SHAHOOD, C.J., POLEN and FARMER, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Richard I. Wennet, Judge; L.T. Case No. 06-016386 AMB.

Carey Haughwout, Public Defender, and Richard B. Greene, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Thomas A. Palmer, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.