

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2009*

**T.A.**, a child,  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D08-2971

[ June 17, 2009 ]

PER CURIAM.

Appellant was charged with grand theft and petit theft after a teacher at a day care center discovered that \$593 was stolen from her purse located in a closet of her classroom. We affirm the juvenile court's finding that appellant committed grand theft. We reverse, however, the court's denial of appellant's motion for judgment of dismissal as to the charge of petit theft. The finding of guilt on this charge, which resulted from appellant's rummaging through the closet of another teacher, was not supported by competent substantial evidence. We therefore remand this cause to the juvenile court with instructions to dismiss the petit theft charge.

*Affirmed in part; Reversed in part.*

TAYLOR, MAY and LEVINE, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Gary L. Sweet, Judge; L.T. Case No. 432007CJ000754A.

Carey Haughwout, Public Defender, and Patrick B. Burke, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Diane F. Medley, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***