

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

EARL WESTERN LESTER,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-713

[November 4, 2009]

DAMOORGIAN, J.

The Appellant, Earl Western Lester, appeals his judgment of conviction and sentence for lewd or lascivious molestation and his designation as a sexual predator. We affirm his conviction and sentence without discussion. However, we reverse his designation as a sexual predator because he does not meet the criteria for such a designation. *See, e.g., Ealum v. State*, 943 So. 2d 994, 995 (Fla. 1st DCA 2006); *Hickey v. State*, 915 So. 2d 663, 663-64 (Fla. 2d DCA 2005); *State v. Bouchillon*, 882 So. 2d 412, 412-13 (Fla. 4th DCA 2004). On remand, the trial court shall vacate the order designating the Appellant a sexual predator.

Affirmed in part; Reversed in part and Remanded with instructions.

MAY and CIKLIN, JJ., concur.

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Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Sandra K. McSorley, Judge; L.T. Case No. 06CF017174AMB .

Carey Haughwout, Public Defender, and Elisabeth Porter, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.