

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2010

STANLEY CLEO ROBINSON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D09-4168

[December 8, 2010]

PER CURIAM.

Both appellant and the state agree that the circuit court committed fundamental error when, after a non-jury trial, it entered judgments of conviction for both organized fraud and grand theft. We reverse and remand to the circuit court to vacate the conviction for grand theft and resentence appellant for organized fraud. *See Pizzo v. State*, 945 So. 2d 1203 (Fla. 2006); *Newton v. State*, 31 So. 3d 892 (Fla. 4th DCA 2010); *Pineda v. State*, 3 So. 3d 1289 (Fla. 4th DCA 2009).

GROSS, C.J., MAY and GERBER, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Larry Schack, Judge; L.T. Case No. 562008CF003174A.

Carey Haughwout, Public Defender, and John Pauly, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Mark J. Hamel, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.