

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2011

ARMANDO ZEIGLER,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-4146

[October 26, 2011]

PER CURIAM.

Appellant, Armando Zeigler, appeals his convictions for aggravated battery with a firearm, burglary while armed with a firearm and burglary with a battery. Zeigler raises three issues on appeal, the first two of which we affirm without discussion.

In his third issue, Zeigler argues that his dual convictions for burglary while armed with a firearm and burglary with a battery occurred in a single incident of entry into the vehicle and therefore violate the prohibition against double jeopardy. We agree. *See Docanto v. State*, 811 So. 2d 790 (Fla. 4th DCA 2002) (because there was only one entry, dual convictions for burglary with a battery and burglary while armed cannot stand).

Affirmed in part; Reversed in part and Remanded with instructions that the trial court vacate one of the burglary convictions and sentences.

TAYLOR, HAZOURI and LEVINE, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen Miller, Judge; L.T. Case No. 06-008823 CFA02.

Philip J. Massa, Regional Counsel, and Randall Berman, Special Assistant Regional Counsel, Office of Criminal Conflict and Civil Regional Counsel, West Palm Beach, for appellant.

Pamela Jo Bondi, 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.