

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2012

BRIAN K. AYCOCK,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D10-4898

[May 23, 2012]

PER CURIAM.

This court has previously held that mere evidence of the purchase price of an electronic device is insufficient to establish its current value. *Lucky v. State*, 25 So. 3d 691, 691 (Fla. 4th DCA 2010). In the instant case, the only evidence offered to establish the value of a cell phone, which had been purchased a year and a half prior to the theft, was the owner's testimony of the purchase price. As a result, the value of the cell phone at the time of the theft could not be established. Thus, the evidence was insufficient to prove grand theft. All other elements of theft were supported by sufficient evidence.

For the reasons set forth above, we reverse and remand to the trial court for entry of a judgment for petit theft in accordance with section 924.34, Florida Statutes (2006).

WARNER, DAMOORGIAN and CONNER, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Dan L. Vaughn, Judge; L.T. Case No. 562009CF003842A.

Carey Haughwout, Public Defender, and Narine N. Austin, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Heidi L. Bettendorf, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.