

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2013

JARRELL ROBINSON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D12-2879

[July 3, 2013]

ON CONFESSION OF ERROR

PER CURIAM.

Appellant's sole argument on appeal is that his convictions for resisting arrest *with* violence and resisting arrest *without* violence violate double jeopardy, as both crimes arise from his actions during a single incident. The State concedes, and we agree, that appellant's conviction and sentence for resisting an officer without violence should be vacated and his conviction and sentence for resisting arrest with violence should be affirmed. See *D.A.R. v. State*, 22 So. 3d 850 (Fla. 4th DCA 2009); *Goodman v. State*, 801 So. 2d 1012 (Fla. 4th DCA 2001). Accordingly, we reverse and remand with instructions to vacate appellant's conviction for resisting an officer without violence.

Reversed and Remanded.

DAMOORGIAN, C.J., CIKLIN and CONNER, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Raag Singhal, Judge; L.T. Case No. 11-19453 CF10A.

Carey Haughwout, Public Defender, and Tatjana Ostapoff, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Laura Fisher, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.