

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOHN E. KIST,)	
)	
Appellant,)	
)	
v.)	Case No. 2D05-4374
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed December 29, 2006.

Appeal from the Circuit Court for Pinellas
County; Nelly N. Khouzam, Judge.

John E. Kist, pro se.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Diana K. Bock, Assistant
Attorney General, Tampa, for Appellee.

VILLANTI, Judge.

In accordance with the holding in Kist v. State, 900 So. 2d 571 (Fla. 2d
DCA 2004), John E. Kist seeks a new appeal of his convictions for grand theft and
insurance fraud for the same transaction because the convictions violate double

jeopardy protections. See Hays v. State, 844 So. 2d 705 (Fla. 2d DCA 2003). The State rightfully concedes the error. We reject all other grounds raised by Kist. Accordingly, we reverse the convictions and sentences on counts 3, 5, 10, 12, and 17. In all other regards, we affirm.

Affirmed in part; and reversed and remanded for the trial court to vacate the judgment and sentences on counts 3, 5, 10, 12, and 17.

SALCINES and STRINGER, JJ., Concur.