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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DAVID PATRICK JOHNSON,	)
Appellant,	) )
V.	) Case No. 2D07-4130
STATE OF FLORIDA,	)
Appellee.	)
	)

Opinion filed December 31, 2008.

Appeal from the Circuit Court for Hillsborough County; Wayne S. Timmerman, Judge.

James Marion Moorman, Public Defender, and Megan Olson, Assistant Public Defender, Bartow, for Appellant.

Bill McCollum, Attorney General, Tallahassee, and Timothy A. Freeland, Assistant Attorney General, Tampa, for Appellee.

KHOUZAM, Judge.

David Patrick Johnson appeals from the sentences imposed when he was resentenced on his convictions for burglary of a dwelling with assault or battery and sexual battery on a victim under twelve by a person under eighteen. We affirm in all

respects but note that despite some confusion in the record, Johnson stands convicted of only these offenses in this case. His conviction for lewd and lascivious molestation was previously reversed by this court in <u>Johnson v. State</u>, 913 So. 2d 1291 (Fla. 2d DCA 2005).

Affirmed.

DAVIS and LaROSE, JJ., Concur.