

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

E.R.,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Case No. 2D00-4271

Opinion filed October 26, 2001.

Appeal from the Circuit Court for
Hillsborough County; Perry A. Little, Judge.

James Marion Moorman, Public Defender,
and Clark E. Green, Assistant Public
Defender, Bartow, for Appellant.

Robert A. Butterworth, Attorney General,
Tallahassee, and Susan M. Shanahan,
Assistant Attorney General, Tampa, for
Appellee.

NORTHCUTT, Judge.

E.R. challenges his delinquency adjudication for burglary and grand theft.

We disagree with his contention that the State's evidence was insufficient to prove the

burglary charge beyond a reasonable doubt, and we affirm that adjudication without further discussion. However, we reverse E.R.'s adjudication for third-degree grand theft because the State did not prove that the value of the stolen property equaled or exceeded \$300. See § 812.014(1)(c), Fla. Stat. (2000). The State's failure to prove the value element of third-degree grand theft is fundamental error and may be raised for the first time on appeal. T.E.J. v. State, 749 So. 2d 557, 558 (Fla. 2d DCA 2000). On remand, the circuit court shall reduce the grand theft charge to second-degree petit theft under section 812.014(3)(a).

We affirm the court's restitution order.

Affirmed in part, reversed in part and remanded with directions.

ALTENBERND, A.C.J., and WHATLEY, J., Concur.