

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

E.D.M,	)	
	)	
Appellant,	)	
	)	
v.	)	CASE NO. 2D00-4866
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed October 26, 2001.

Appeal from the Circuit Court  
for Lee County; John S. Carlin, Judge.

James Marion Moorman, Public  
Defender, and Howardene Garrett,  
Assistant Public Defender,  
Bartow, for Appellant.

Robert A. Butterworth, Attorney  
General, Tallahassee, and  
Jennifer R. Haymes, Assistant Attorney  
General, Tampa, for Appellee.

GREEN, Judge.

E.D.M. appeals the trial court's juvenile delinquency adjudication and  
disposition for first-degree misdemeanor petit theft. The State correctly concedes that we

must reverse and remand to the trial court for entry of an amended adjudication reflecting second-degree misdemeanor petit theft because there was no evidence before the trial judge which would justify upgrading the offense.

Reversed and remanded with directions that E.D.M. be adjudicated delinquent of second-degree petit theft and the case be disposed of accordingly.

BLUE, C.J., and DAVIS, J., Concur.