

Third District Court of Appeal

State of Florida, July Term, A.D. 2012

Opinion filed October 3, 2012.

Not final until disposition of timely filed motion for rehearing.

No. 3D11-3031

Lower Tribunal No. 10-5649

D.P., a juvenile,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Marcia B. Caballero, Judge.

Carlos J. Martinez, Public Defender, and Thomas Regnier and Michael Mayer, Assistant Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Nikole Hiciano, Assistant Attorney General, for appellee.

Before CORTIÑAS, SALTER and FERNANDEZ, JJ.

PER CURIAM.

D.P. appeals the trial court's order withholding adjudication of delinquency for third-degree grand theft. Based upon the State's concession that it did not

establish that the stolen property constituted grand theft, we reverse the trial court's adjudication of delinquency for grand theft and remand the cause for the court's entry of a finding of delinquency for the lesser included offense of first-degree petit theft.

Affirmed in part, reversed in part with instructions.