

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

BOBBY JAMES BROWN,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D09-2141

STATE OF FLORIDA,

Appellee.

Opinion filed March 17, 2010.

An appeal from the Circuit Court for Duval County.
Mark H. Mahon, Judge.

Nancy A. Daniels, Public Defender and Steven L. Seliger, Assistant Public
Defender, Tallahassee, for Appellant.

Bill McCollum, Attorney General and Brooke Poland, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

Appellant seeks review of his conviction and sentence for grand theft after allegedly stealing a television set. On appeal he argues that the trial court erred in denying his motion for judgment of acquittal on the basis that the State offered

insufficient proof of the value of the television. The State concedes that insufficient proof was offered below. As such, the motion for judgment of acquittal should have been granted and Appellant's conviction should be reduced from grand theft to petit theft. The case is remanded for resentencing. We find no merit in Appellant's other claim.

REVERSED and REMANDED.

HAWKES, C.J., WETHERELL and ROWE, JJ., CONCUR.