

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2009

MATTHEW SEAN BROWN,

Appellant,

v.

Case No. 5D08-2525

STATE OF FLORIDA,

Appellee.

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Opinion filed September 11, 2009

Appeal from the Circuit Court
for Osceola County,
Scott Polodna, Judge.

Paula C. Coffman, Orlando, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Carmen F. Corrente,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Valdes v. State, 3 So. 3d 1067 (Fla. 2009) (holding statutory exception to Blockburger¹ “same elements” test set forth at section 775.012(4)(b)2., Florida Statutes, prohibits separate convictions for crimes arising from same criminal transaction only when criminal statute itself provides for offense with multiple degrees).

PALMER, ORFINGER and JACOBUS, JJ., concur.

¹ Blockburger v. United States, 284 U.S. 299 (1932).