

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

VINCENT CHRISTIAN
FOSTER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D13-4703

Opinion filed February 16, 2015.

An appeal from the Circuit Court for Escambia County.
J. Scott Duncan, Judge.

Charles Russell, Assistant Regional Conflict Counsel, Pensacola, and Melissa Joy Ford, Assistant Regional Conflict Counsel, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Angela R. Hensel, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Vincent Christian Foster challenges two of his four convictions in this direct criminal appeal. We find no merit in his first argument and affirm without comment.

His second argument—that his convictions for trafficking and possession of methamphetamine violated double jeopardy because they were both based on the *possession* of the same meth oil—is correct and conceded by the State. We reverse and vacate the lesser offense. See Mullins v. State, 74 So. 3d 146, 147 (Fla. 1st DCA 2011); Melton v. State, 73 So. 3d 296, 297 (Fla. 1st DCA 2011).

Accordingly, we affirm Mr. Foster’s convictions and sentences on Counts I, III, and IV, and reverse and remand with instructions that the trial court vacate his conviction and sentence on Count II.

AFFIRMED in part; REVERSED in part.

PADOVANO, MARSTILLER, and OSTERHAUS, JJ., CONCUR.