

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-3522

KEITH DEMOND ROGERS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

April 16, 2019

PER CURIAM.

Because the jury found that the appellant committed multiple firearm offenses without discharging the firearm during a single criminal episode, the trial court erred in imposing consecutive mandatory minimum sentences. *See Walton v. State*, 208 So. 3d 60, 64 (Fla. 2016) (quoting *Williams v. State*, 186 So. 3d 989, 993 (Fla. 2016) (“[C]onsecutive sentencing of mandatory minimum imprisonment terms for multiple firearm offenses is impermissible if the offenses arose from the same criminal episode and a firearm was merely possessed but not discharged.”)). Accordingly, we reverse the appellant’s sentence on count V and remand the case to the trial court for it to order the appellant’s sentence on count V to run concurrently to the sentences for counts IV and VI. We

reject the appellant's separate argument that he was entitled to a judgment of acquittal.

AFFIRMED in part, REVERSED in part, and REMANDED with instructions.

ROBERTS, RAY, and WINSOR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, and Kevin P. Steiger, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Kaitlin Weiss, Assistant Attorney General, Tallahassee, for Appellee.