

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

JANUARY TERM 2008

CARL ROMAIN,

Appellant,

v.

Case No. 5D06-2792

STATE OF FLORIDA,

Appellee.

Opinion filed February 8, 2008

Appeal from the Circuit Court
for Orange County,
Charles Prather, Senior Judge

Bart Schneider of Bart Schneider, P.A.,
Orlando, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Anthony J. Golden,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

On double jeopardy grounds, Appellant challenges his convictions for both cocaine possession and trafficking in cocaine based on cocaine found in his automobile. The cocaine was in different forms (crack and powder) and was separately packaged. We agree with Appellant that his conviction for both crimes constitutes a double jeopardy violation. *Godfrey v. State*, 947 So. 2d 565 (Fla. 1st DCA 2006). Accordingly, we reverse the conviction and sentence on Count II (Possession of a Controlled

Substance) and remand this cause with instruction that Appellant's conviction on Count II be vacated. The lower court need not re-sentence Appellant on Count I. *Jones v. State*, 711 So. 2d 633 (Fla. 1st DCA 1998).

Appellant's other point on appeal, as it relates to Count I is affirmed without discussion.

AFFIRMED IN PART; REVERSED IN PART AND REMANDED

PALMER, C.J., PLEUS and TORPY, JJ., concur.