

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

JANUARY TERM 2005

CELESTE MAY FOX,

Appellant,

v.

Case No. 5D04-2767

STATE OF FLORIDA,

Appellee.

Opinion filed February 4, 2005

Appeal from the Circuit Court
for St. Johns County,
Robert K. Mathis, Judge.

James S. Purdy, Public Defender, and
Kevin R. Holtz, Assistant Public Defender,
Daytona Beach, for Appellant.

Celeste May Fox, Ocala, pro se.

No Appearance for Appellee.

GRIFFIN, J.

Defense counsel has dropped a footnote in its *Anders*¹ brief to say that Celeste May Fox's ["Fox"] sentences for grand theft and dealing in stolen property violate double jeopardy because they arose from the same course of conduct, citing *Hall v. State*, 826 So. 2d 268 (Fla. 2002). In *Barfield v. State*, 871 So. 2d 929 (Fla. 5th DCA 2004), however, we observed:

In the instant case, it is the lack of record evidence that [Defendant's] convictions for dealing in stolen property and

¹ *Anders v. California*, 386 U.S. 738 (1967); *In re: Anders Briefs*, 581 So. 2d 149 (Fla. 1991).

grand theft arose from the same scheme or course of conduct that creates the true impediment to [Defendant's] argument on appeal.

Id. at 931. This case, like *Barfield*, involves a plea and the circumstances of the offences are not clear from the record. More important, unlike *Barfield* and *Hall*, Fox entered into a detailed plea agreement with the State that included both convictions. See *Barfield*, 871 So. 2d 930. *Hall v. State*, 767 So. 2d 560, 561 (Fla. 4th DCA 2000).

AFFIRMED.

THOMPSON and TORPY, JJ., concur.