

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2025-1772
LT Case No. 42-2023-CF-2888-B

OSCAR GOMEZ GUERRA,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Marion County.
Timothy Thomas McCourt, Judge.

Matthew J. Metz, Public Defender, and Louis A. Rossi, Assistant
Public Defender, Daytona Beach, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Kurt T.
Koehler, Assistant Attorney General, Daytona Beach, for
Appellee.

April 2, 2026

PER CURIAM.

Appellant correctly claims that his dual convictions for grand theft and dealing in stolen property violated section 812.025, Florida Statutes (2023), where his theft and sale of an RV trailer on the same morning were in conjunction with one scheme or course of conduct. *See Anucinski v. State*, 148 So. 3d 106, 110 (Fla.

2014); *Williams v. State*, 121 So. 3d 524, 533 (Fla. 2013); *Ramirez v. State*, 286 So. 3d 959, 960 (Fla. 5th DCA 2020); *Bradshaw v. State*, 263 So. 3d 1139, 1140 (Fla. 1st DCA 2019); *Parnell v. State*, 661 So. 2d 128, 128 (Fla. 1st DCA 1995); *Shearer v. State*, 582 So. 2d 28, 29 (Fla. 5th DCA 1991); *Jones v. State*, 453 So. 2d 1192, 1194 (Fla. 3d DCA 1984); *Daniels v. State*, 422 So. 2d 1024, 1024–25 (Fla. 1st DCA 1982); *Victory v. State*, 422 So. 2d 67, 68 (Fla. 2d DCA 1982); *Kelly v. State*, 397 So. 2d 709, 710 (Fla. 5th DCA 1981). Accordingly, we reverse and remand with directions that the trial court vacate Appellant’s conviction and sentence for grand theft. *See Simon v. State*, 840 So. 2d 1173, 1174 (Fla. 5th DCA 2003); *Kilmartin v. State*, 848 So. 2d 1222, 1224 (Fla. 1st DCA 2003). We affirm without comment Appellant’s jury instruction claim.

AFFIRMED in part; REVERSED in part; and REMANDED with directions.

JAY, C.J., and KILBANE and MACIVER, JJ., concur.

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