

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

JANUARY TERM 2012

WILLIE SHADE,

Appellant,

v.

Case No. 5D11-1483

STATE OF FLORIDA,

Appellee.

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Opinion filed March 23, 2012

Appeal from the Circuit Court
for Orange County,
Marc L. Lubet, Judge.

James S. Purdy, Public Defender, and
Allison A. Havens, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Carmen F. Corrente,
Assistant Attorney General, Daytona
Beach, for Appellee.

COHEN, J.

We reverse Mr. Shade's conviction for attempted second-degree murder based upon the fundamentally erroneous jury instruction on the lesser-included attempted voluntary manslaughter offense. Roundtree v. State, 77 So. 3d 846 (Fla. 5th DCA 2012); Cannon v. State, 77 So. 3d 684 (Fla. 5th DCA 2011); Willis v. State, 70 So. 3d 739 (Fla. 5th DCA 2011); Burton v. State, 36 Fla. L. Weekly D738 (Fla. 5th DCA Apr. 8,

2011). As done previously, we express conflict with Williams v. State, 40 So. 3d 72 (Fla. 4th DCA 2010), review granted, 64 So. 3d 1262 (Fla. 2011).

REVERSED and REMANDED.

PALMER and LAWSON, JJ., concur.