

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

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

BRUCE FULLER,

Appellant,

v.

Case No. 5D16-2646

STATE OF FLORIDA,

Appellee.

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Opinion filed November 13, 2020

Appeal from the Circuit Court  
for Orange County,  
Alan S. Apte, Judge.

William R. Ponall, of Ponall Law, Maitland,  
for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Rebecca Roark Wall,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

ON REMAND FROM THE FLORIDA SUPREME COURT

EDWARDS, J.

Following its decision in *Love v. State*, 286 So. 3d 177 (Fla. 2019), the Florida Supreme Court reversed this Court's earlier decision in this case<sup>1</sup> to the extent we found

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<sup>1</sup> See *Fuller v. State*, 257 So. 3d 521 (Fla. 5th DCA 2018), *review granted, decision quashed*, 45 Fla. L. Weekly S186 (Fla. May 29, 2020).

Appellant was entitled to a new Stand Your Ground pretrial hearing, during which the State would bear the burden of proof. Because Appellant's pretrial Stand Your Ground hearing took place on March 1, 2016, prior to the 2017 effective date of the modified Stand Your Ground statute, he is not entitled to another such hearing. See *Love*, 286 So. 3d at 190 ("Section 776.032(4) is a procedural change in the law and applies to all Stand Your Ground immunity hearings conducted on or after the statute's effective date."). We remand this matter for a new trial in accordance with our previously issued opinion.

REVERSED AND REMANDED.

EVANDER, C.J., and COHEN, J., concur.