

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

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

CLEMENT HOARDES,

Appellant,

v.

CASE NO. 1D07-0356

STATE OF FLORIDA,

Appellee.

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Opinion filed January 30, 2009.

An appeal from the Circuit Court for Leon County.  
Bradford L. Thomas, Judge.

Nancy A. Daniels, Public Defender, and Gail E. Anderson, Assistant Public  
Defender, Tallahassee, for Appellant.

Bill McCollum, Attorney General, and Trisha Meggs Pate, Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant correctly asserts that the trial court erred in instructing the jury on  
possession of more than 20 grams of cannabis as a lesser included offense of the  
sale of cannabis. See *McCloud v. State*, 577 So. 2d 939, 941 (Fla. 1991). We,

therefore, reverse appellant's conviction as to count I. In all other respects, we affirm.

WOLF, LEWIS, and ROBERTS, JJ., CONCUR.