

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

WILLIE HARDEE,

Appellant,

v.

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

CASE NO. 1D08-2528

STATE OF FLORIDA,

Appellee.

Opinion filed September 25, 2009.

An appeal from the Circuit Court for Duval County.
Linda F. McCallum, Judge.

Rick Sichta and Frank J. Tassone of Tassone & Sichta, LLC, Jacksonville, for
Appellant.

Bill McCollum, Attorney General, and Anne C. Conley, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant, Willie Hardee, challenges his conviction for second-degree
murder with a weapon. Because the trial court gave the standard jury instruction
for the lesser included offense of manslaughter by act, Appellant's conviction for

second-degree murder is reversed and the case is remanded for a new trial. Montgomery v. State, 34 Fla. L. Weekly D360 (Fla. 1st DCA Feb. 12, 2009), review granted, State v. Montgomery, 11 So. 3d 943 (Fla. 2009). All other issues raised on appeal are affirmed without further discussion.

REVERSED and REMANDED.

BARFIELD, DAVIS, and ROBERTS, JJ., CONCUR.