

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

KEITH DAWSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D10-1943

Opinion filed August 9, 2011.

An appeal from the Circuit Court for Duval County.
Mallory D. Cooper, Judge.

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

Pamela Jo Bondi, Attorney General, and Therese A. Savona, Assistant Attorney
General, Office of the Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Defendant Keith Dawson appeals his convictions for dealing in stolen property and false verification of ownership on a pawnbroker transaction form. He contends that the trial court erred in instructing the jury on the inference arising from selling property below fair market value. The instruction given accurately

states the law, but there is no evidence in the record of the fair market value. We are compelled by our prior decision in a nearly identical case to find that this was error. See, Barfield v. State, 613 So. 2d 507, 508 (Fla. 1st DCA 1993). Because we are unable to say the error was harmless, we reverse.

REVERSED.

PADOVANO, LEWIS, and THOMAS, JJ., CONCUR.