

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JAMES DARRELL McCANTS,)

Appellant,)

v.)

STATE OF FLORIDA,)

Appellee.)

Case No. 2D15-329

Opinion filed September 16, 2016.

Appeal from the Circuit Court for Hendry
County; James D. Sloan, Judge.

Michael G. Fink of Mike Fink Law Firm, Fort
Myers, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Bilal A. Faruqi, Assistant
Attorney General, Tampa, for Appellee.

PER CURIAM.

For the reasons set forth in Ivy v. State, 41 Fla. L. Weekly D704 (Fla. 2d
DCA March 18, 2016), we affirm. Again, we certify the following question of great public
importance to the supreme court:

DURING A *MELBOURNE V. STATE*, 679 SO. 2D 759, 763
(FLA. 1996), HEARING, WHEN A TRIAL COURT FINDS

THAT THE PROPONENT'S REASON FOR A PEREMPTORY CHALLENGE IS FACIALLY NEUTRAL, IS IT THE BURDEN OF THE OPPONENT (1) TO CLAIM THE REASON IS A PRETEXT, (2) TO PLACE INTO THE RECORD THE CIRCUMSTANCES SUPPORTING ITS POSITION, AND (3) TO OBJECT IF THE TRIAL COURT'S RULING DOES NOT CONTAIN ADEQUATE FINDINGS ON THE ISSUE OF GENUINENESS?

Affirmed; question certified.

WALLACE, KHOUZAM, and ROTHSTEIN-YOUAKIM, JJ., Concur.