

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

JULY TERM 2013

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

CHAUBERT FRANCOIS,

Appellant,

v.

Case No. 5D12-2167

STATE OF FLORIDA,

Appellee.

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Opinion filed August 9, 2013

Appeal from the Circuit Court  
for Seminole County,  
Debra S. Nelson, Judge.

James S. Purdy, Public Defender, and  
Kevin R. Holtz, Assistant Public Defender,  
Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Lori N. Hagan, Assistant  
Attorney General, Daytona Beach, for  
Appellee.

COHEN, J.

Chaubert Francois appeals from the judgment and sentence entered after a jury found him guilty of burglary of a dwelling. While the trial court erred in failing to conduct a Richardson<sup>1</sup> hearing, under the facts of this case—where Francois and his codefendant were observed by law enforcement kicking in the front door of the dwelling

<sup>1</sup> Richardson v. State, 246 So. 2d 771 (Fla. 1971).

and were apprehended upon fleeing from the home—the error was harmless.<sup>2</sup> See State v. Schopp, 653 So. 2d 1016, 1020 (Fla. 1995). Accordingly, we affirm.

AFFIRMED.

GRIFFIN and LAWSON, JJ., concur.

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<sup>2</sup> We do not condone the actions of the assistant state attorney, who, two days before trial, became aware of the existence of discoverable material possessed by an agency other than that which effectuated the arrest in the case, and yet failed to disclose that information to the defense. See Fla. R. Crim. P. 3.220(b).