

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

JOHN MCDOWELL,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D02-3124

Opinion filed December 18, 2003.

An appeal from the Circuit Court for Duval County.

W. Gregg McCaulie, Judge.

Nancy A. Daniels, Public Defender, and Richard M. Summa, Assistant Public
Defender, Tallahassee, for Appellant.

Charles J. Crist, Jr., Attorney General, and Daniel A. David, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

We affirm, but, as in Walker v. State, 853 So. 2d 498 (Fla. 1st DCA 2003),
certify the following question to be one of great public importance:

IS THE FLORIDA STANDARD JURY INSTRUCTION
ON “POSSESSION OF PROPERTY RECENTLY
STOLEN” AN IMPERMISSIBLE COMMENT ON THE
EVIDENCE?

AFFIRMED.

WOLF, C.J., ERVIN and PADOVANO, JJ., CONCUR.