

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

JAMES BULLARD,

Appellant,

v.

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

CASE NO. 1D02-3184

STATE OF FLORIDA,

Appellee.

Opinion filed December 24, 2003.

An appeal from the Circuit Court for Duval County.
Judge Michael R. Weatherby.

Nancy A. Daniels, Public Defender, and Carl S. McGinnes, Assistant Public Defender,
Tallahassee, for Appellant.

Charles J. Crist, Jr., Attorney General, and Karen M. Holland, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

We affirm Bullard's conviction but certify to the Supreme Court of Florida as a matter
of great public importance the following question:

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

See Walker v. State, 853 So. 2d 498 (Fla. 1st DCA 2003).

We reverse the order denying Bullard’s motion to withdraw plea and remand for appointment of conflict-free counsel and a new hearing. Bullard v. State, 28 Fla. L. Weekly D2018 (Fla. 1st DCA Aug. 26, 2003).

AFFIRMED in part, REVERSED in part, and REMANDED for further proceedings.

BARFIELD, ALLEN and DAVIS, JJ., CONCUR.