

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

BRYON JORDON WILSON, JR.,  
Appellant,

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

v.

CASE NO. 1D03-144

STATE OF FLORIDA,  
Appellee.

\_\_\_\_\_ /

Opinion filed June 14, 2004.

An appeal from the circuit court for Escambia County.  
Kenneth B. Bell, Judge.

Nancy A. Daniels, Public Defender; Kathleen Stover, Assistant Public Defender,  
Tallahassee, for Appellant.

Charlie Crist, Attorney General; Philip W. Edwards, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

Appellant seeks review of his conviction for attempted burglary of a conveyance, a lesser-included offense of that of burglary of a conveyance with which he had been charged. Because the evidence presented, viewed in a light most favorable to the state, was insufficient as a matter of law to prove that appellant had

anything to do with attempting to burglarize the car alleged to have been burglarized, the trial court should have granted appellant's legally sufficient motion for a judgment of acquittal. Because it did not, we reverse, and remand with directions that the trial court enter an order granting the motion for judgment of acquittal as to the charge of burglary of a conveyance; set aside the judgment of conviction of attempted burglary of a conveyance; and discharge appellant as to that offense.

REVERSED and REMANDED, with directions.

WEBSTER, VAN NORTWICK and POLSTON, JJ., CONCUR.