

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

CLARENCE WILLIAM  
BURNETTE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D11-920

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Opinion filed January 10, 2013.

An appeal from the Circuit Court for Santa Rosa County.  
David Rimmer, Judge.

Nancy A. Daniels, Public Defender, and Adam S. Tanenbaum, Special Assistant  
Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Donna A. Gerace, Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant challenges his conviction and sentence on four grounds. We need  
only address Appellant's third contention: that the failure to give Standard Jury

Instruction in Criminal Cases 3.7 regarding reasonable doubt was fundamental error. The State commendably concedes error on this point on the authority of Cavagnaro v. State, 37 Fla. L. Weekly D241 (Fla. 3d DCA Jan. 25, 2012), which we adopt. Because we reverse on this point and remand for a new trial, we need not reach Appellant's remaining contentions.

REVERSED and REMANDED.

WOLF, VAN NORTWICK, and LEWIS, JJ., CONCUR.