

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

NICOLAS DOMINIQUE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-2031

[August 9, 2017]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Charles I. Kaplan, Judge; L.T. Case No. 05-17224CF10A.

Carey Haughwout, Public Defender, and Richard B. Greene and Patrick B. Burke, Assistant Public Defenders, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Jeanine M. Germanowicz, Assistant Attorney General, West Palm Beach, for appellee.

ON REMAND FROM THE SUPREME COURT OF FLORIDA

GERBER, C.J.

Pursuant to our supreme court's decision in *State v. Dominique*, 215 So. 3d 1227 (Fla. 2017), which quashed our decision in *Dominique v. State*, 171 So. 3d 204 (Fla. 4th DCA 2015) ("*Dominique II*"), we remand to the trial court to reinstate the defendant's conviction and sentence for second degree murder, as a lesser included offense of first degree murder.

Affirmed; remanded to reinstate conviction and sentence.

CIKLIN and FORST, JJ., concur.¹

* * *

No further motions for rehearing shall be permitted.

¹ Judge Forst has substituted for Judge Stevenson, who served on the panel which issued *Dominique II*.