

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

KENSON JEAN-PHILLIPE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D04-1520

[November 16, 2005]

PER CURIAM.

We affirm appellant's conviction of dealing in stolen property. There was sufficient evidence that appellant pawned a DVD player which he knew, or should have known, was stolen. Appellant told a detective that "he knew that it was stolen and that he made a mistake." Appellant's story was that the DVD player was received by his friend as payment in a drug transaction, and that he knew he was taking a risk in pawning the item. Receiving property as payment for illegal drugs is the type of "unusual manner of acquisition" that tends to show guilty knowledge in a dealing in stolen property case. *See Bertone v. State*, 870 So. 2d 923, 924 (Fla. 4th DCA 2004).

We reverse appellant's conviction of giving false verification of ownership to a pawn broker, contrary to section 539.001(8)(b)(8)(a), Florida Statutes (2004). The court's instruction to the jury failed to indicate that false verification of ownership must be knowingly given in order for there to be a conviction. *See Wiley v. State*, 830 So. 2d 889 (Fla. 1st DCA 2002).

Affirmed in part, reversed in part, and remanded for a new trial.

STONE, GROSS and HAZOURI, JJ., concur.

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Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael L. Gates, Judge; L.T. Case No. 03-10288CF10A.

Carey Haughwout, Public Defender, and Ellen Griffin, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.