

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2010*

**SHARMARKCO EVANS,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D09-75

[November 12, 2010]

PER CURIAM.

The defendant appeals his conviction and sentence for aggravated assault and false imprisonment with a firearm. He argues the trial court erred in denying his motion for mistrial based upon a prospective juror's comments during *voir dire*. This issue was raised by his co-defendant and brother in a prior appeal. We reversed on the same issue and remanded the case for a new trial. *See Evans v. State*, 36 So. 3d 185 (Fla. 4th DCA 2010). The State has advised in its Answer Brief that the same result is warranted here. For this reason, we reverse and remand for a new trial.

*Reversed and Remanded for a new trial.*

FARMER, MAY and GERBER, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Cynthia L. Cox, Judge; L.T. Case No. 562008CF001324A.

Terry P. Roberts of Law Offices of Terry P. Roberts, Tallahassee, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Laura Fisher, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***