

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

RASHEED RANDOLPH,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Case No. 2D04-1008

Opinion filed May 25, 2005.

Appeal from the Circuit  
Court for Hillsborough County;  
Ronald N. Ficarrotta, Judge.

James Marion Moorman, Public  
Defender, and Tonja R. Vickers, Special  
Assistant Public Defender, and  
Timothy Ferreri, Assistant Public  
Defender, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney  
General, Tallahassee, and  
Trisha Meggs Pate, Assistant  
Attorney General, Tampa, for  
Appellee.

WHATLEY, Judge.

Rasheed Randolph appeals his convictions for trafficking in cocaine and  
conspiracy to traffic in cocaine. We conclude that the trial court committed fundamental

error in instructing the jury, because it included the conjunction “and/or” between Randolph’s name and the name of his codefendant in essential jury instructions. We reverse.<sup>1</sup>

In Davis v. State, 30 Fla. L Weekly D520 (Fla. 2d DCA Feb. 23, 2005), this court reversed the convictions of Randolph’s codefendant, Sherrey Davis, based on the jury instructions at issue.<sup>2</sup> Because the instructions given for Randolph were identical to those given for Davis, we also reverse Randolph’s convictions and sentences and remand for a new trial.

Reversed and remanded for a new trial.

SALCINES and VILLANTI, JJ., Concur.

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<sup>1</sup> We do not find merit in Randolph’s argument that the trial court erred in admitting Detective Garfield’s testimony regarding her previous contact with Randolph, and we affirm that point without discussion.

<sup>2</sup> Randolph and Davis were tried together.