

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOSE SIERRA,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
)
 _____)

Case No. 2D05-5280

Opinion filed November 15, 2006.

Appeal from the Circuit Court for
Hillsborough County; William Fuente,
Judge.

Brooke V. Elvington of Escobar, Ramirez
& Associates, P.A., Tampa, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Danilo Cruz-Carino,
Assistant Attorney General, Tampa,
for Appellee.

PER CURIAM.

Jose Sierra appeals his conviction and sentence for aggravated battery
and argues that the trial court committed fundamental error in instructing the jury on his
self-defense claim. The State properly concedes error. See Swanson v. State, 921 So.
2d 852 (Fla. 2d DCA 2006); Velazquez v. State, 884 So. 2d 377 (Fla. 2d DCA 2004);

Baker v. State, 877 So. 2d 856 (Fla. 2d DCA 2004); Zuniga v. State, 869 So. 2d 1239 (Fla. 2d DCA 2004). Accordingly, we reverse and remand for a new trial.

Reversed and remanded.

SILBERMAN and CANADY, JJ., and FARNELL, DEE ANNA, ASSOCIATE JUDGE,
Concur.