

IN THE SECOND DISTRICT COURT OF APPEAL, LAKELAND, FLORIDA

October 19, 2011

ELIGHER MARQUISE BROOKS,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No: 2D10-2058

BY ORDER OF THE COURT:

Appellee's motion to certify conflict and/or stay the mandate is granted.

The opinion dated June 17, 2011, is hereby withdrawn and the attached opinion is substituted therefor. No further motions pursuant to Florida Rule of Appellate Procedure 9.330 will be entertained.

I HEREBY CERTIFY THE FOREGOING IS A
TRUE COPY OF THE ORIGINAL COURT ORDER.

JAMES BIRK HOLD, CLERK

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

ELIGHER MARQUISE BROOKS,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D10-2058

Opinion filed October 19, 2011.

Appeal from the Circuit Court for Pinellas
County; Thane B. Covert, Judge.

James Marion Moorman, Public
Defender, and Judith Ellis, Assistant
Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Cerese Crawford
Taylor, Assistant Attorney General,
Tampa, for Appellee.

DAVIS, Judge.

Eligher Brooks challenges his conviction for attempted second-degree murder. For the reasons set forth in Houston v. State, 36 Fla. L. Weekly D1772 (Fla. 2d DCA Aug. 12, 2011), we reverse and remand for the trial court to hold a new trial. As we did in Houston, we certify conflict with the Fourth District's opinion in Williams v. State, 40 So. 3d 72 (Fla. 4th DCA 2010).

NORTHCUTT and BLACK, JJ., Concur.