

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

APPEAL

IN THE DISTRICT COURT OF

OF FLORIDA

THIRD DISTRICT

JULY TERM, 2001

JAVIER YANEZ,

**

Appellant,

**

vs.

**

CASE NO. 3D00-3484

THE STATE OF FLORIDA,

**

LOWER

Appellee.

**

TRIBUNAL NO. 00-763

Opinion filed December 19, 2001.

An Appeal from the Circuit Court for Monroe County, Mark H. Jones, Judge.

Bennett H. Brummer, Public Defender, and Valerie Jonas and Carlos F. Gonzalez, Assistant Public Defenders, for appellant.

Robert A. Butterworth, Attorney General, and Susan Odzer Hugentugler, Assistant Attorney General, for appellee.

Before JORGENSON, LEVY and GODERICH, JJ.

PER CURIAM.

Because the circumstantial evidence relied upon by the State

was insufficient as a matter of law to establish guilt, we reverse the defendant's conviction for trespass to a conveyance. See R.D.S. v. State, 446 So. 2d 1181 (Fla. 3d DCA 1984).