

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, 2001

NED LAYTON,

**

Appellant,

**

vs.

**

CASE NO. 3D01-852

THE STATE OF FLORIDA,

**

LOWER

Appellee.

**

TRIBUNAL NO. 00-1329

Opinion filed August 8, 2001.

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

Bennett H. Brummer, Public Defender, and Lisa Walsh, Assistant Public Defender, for appellant.

Robert A. Butterworth, Attorney General, and Gary K. Milligan, Assistant Attorney General, for appellee.

Before JORGENSEN, GODERICH and SHEVIN, JJ.

CONFESSION OF ERROR

PER CURIAM.

Pursuant to the State's confession of error, we reverse the defendant's conviction and sentence and remand for a new trial.

The State properly concedes that a reasonable doubt existed as to whether one or more of the jurors, to whom a cause challenge was denied, possessed an impartial state of mind, Van Poyck v. Singletary, 715 So. 2d 930, 931 (Fla. 1998)(citing Hill v. State, 477 So. 2d 553 (Fla. 1985)), cert. denied, 526 U.S. 1018 (1999), and that this error was properly preserved.

Reversed and remanded for a new trial.