



jury. We affirm based on Figueroa v. State, Case No. 3D10-27 (Fla. 3d DCA Nov. 16, 2011). As we did in Figueroa, we certify conflict with the First District's opinions in Noack v. State, 61 So. 3d 1208 (Fla. 1st DCA 2011), Pryor v. State, 48 So. 3d 159 (Fla. 1st DCA 2010), and Riesel v. State, 48 So. 3d 885 (Fla. 1st DCA 2010).

Additionally, we certify the following question to the Florida Supreme Court as one of great public importance:

IF A JURY RETURNS A VERDICT FINDING A DEFENDANT GUILTY OF SECOND-DEGREE MURDER IN A CASE WHERE THE EVIDENCE DOES NOT SUPPORT A THEORY OF CULPABLE NEGLIGENCE, DOES A TRIAL COURT COMMIT FUNDAMENTAL ERROR BY GIVING A FLAWED MANSLAUGHTER BY ACT INSTRUCTION WHEN IT ALSO GIVES AN INSTRUCTION ON MANSLAUGHTER BY CULPABLE NEGLIGENCE?

Affirmed.