

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D14-2076

LEON BULLARD,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Kevin Blazs, Judge.

April 5, 2018

UPON REMAND FROM THE FLORIDA SUPREME COURT

PER CURIAM.

Our prior opinion of July 14, 2015, was quashed by the Florida Supreme Court “for reconsideration in light of our decisions in *Walton v. State*, 208 So. 3d 60 (Fla. 2016), and *Williams v. State*, 186 So. 3d 989 (Fla. 2016).” *Bullard v. State*, 2017 WL 2302327 (Fla. May 26, 2017). Upon reconsideration, we reverse with direction to grant Appellant a new trial, as mandated by *Roberts v. State*, 2018 WL 1100825 (Fla. Mar. 1, 2018), and *Walton*.

We need not address *Williams* in light of our decision granting a new trial, but as requested by Appellant, we note our

prior opinion held that Appellant could not be convicted of aggravated battery with a firearm, as we determined that the evidence could not support a finding of a second discharge of the firearm. *Bullard v. State*, 168 So. 3d 346 (Fla. 1st DCA 2015), *rev. granted*, 2017 WL 2302327 (Fla. May 26, 2017).

REVERSED and REMANDED for new trial.

B.L. THOMAS, C.J., and KELSEY and JAY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, Barbara J. Busharis, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Sharon Traxler, Assistant Attorney General, Tallahassee, for Appellee.