

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JANUARY TERM 2012

VANDARIUS ROUNDTREE,

Appellant,

v.

Case No. 5D10-1525

STATE OF FLORIDA,

Appellee.

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Opinion filed January 13, 2012

Appeal from the Circuit Court  
for Orange County,  
Alan S. Apte, Judge.

James S. Purdy, Public Defender, and  
David S. Morgan, Assistant Public  
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Ann M. Phillips,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

TORPY, J.

We reverse Appellant's conviction for attempted second-degree murder because the jury charge on the lesser-included offense of attempted voluntary manslaughter was fundamentally erroneous. *Cannon v. State*, 36 Fla. L. Weekly D2410 (Fla. 5th DCA Nov. 4, 2011); *Willis v. State*, 70 So. 3d 739 (Fla. 5th DCA 2011); *Burton v. State*, 36 Fla. L. Weekly D738 (Fla. 5th DCA Apr. 8, 2011). We once again express conflict with

our sister court in *Williams v. State*, 40 So. 3d 72 (Fla. 4th DCA 2010), *review granted*, 64 So. 3d 1262 (Fla. 2011).

The convictions and judgments on all other counts are affirmed.

AFFIRMED IN PART; REVERSED IN PART; and REMANDED.

SAWAYA and MONACO, JJ., concur.