

Supreme Court of Florida

No. 69,623

WALTER LEE BROWN, Appellant,

vs.

STATE OF FLORIDA, Appellee.

[July 6, 1989]

BARKETT, J.

Walter Lee Brown appeals his conviction for first-degree murder and sentence of death. We have jurisdiction. Art. V, § 3(b)(1), Fla. Const.

Walter Lee Brown and codefendant Robert Roundtree were tried jointly for the murder of Francis Sheldon Bowden. The facts of the murder are recounted in the companion case of Roundtree v. State, No. 69,613 (Fla. July 6, 1989). We reverse Brown's conviction and remand for a new trial because of the state's discriminatory use of peremptory challenges to exclude blacks from the jury, as is more fully set forth in Roundtree.

Because we have directed in Roundtree that Brown and his codefendant be tried separately, it is unnecessary to address the remaining points on appeal.

Accordingly, we remand this matter to the trial court for a new trial with directions to vacate the judgment of guilt and sentence of death.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, GRIMES and KOGAN, JJ.,
Concur

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

An Appeal from the Circuit Court in and for Duval County,

Bill Parsons, Judge - Case No. 85-11307 CF (B)

Michael E. Allen, Public Defender and Paula S. Saunders, Assistant
Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Appellant

Robert A. Butterworth, Attorney General and Bradford L. Thomas,
Assistant Attorney General, Tallahassee, Florida,

for Appellee