

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**CALVIN WEATHERSPOON,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D12-2775

[August 19, 2015]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen Miller, Judge; L.T. Case No. 2008CF017526BXXXMB.

Ira Karmelin, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Joseph A. Tringali, Assistant Attorney General, West Palm Beach, for appellee.

***ON MOTION REQUESTING CERTIFICATION OF QUESTION OF  
GREAT PUBLIC IMPORTANCE***

PER CURIAM.

We grant the appellant's motion to certify a question of great public importance and certify the following question to the supreme court:

IN LIGHT OF THE LEGISLATURE'S CREATION OF SECTION 782.051, WHICH CREATED A CRIME CALLED "ATTEMPTED FELONY MURDER," THAT WAS PREVIOUSLY DECLARED BY *STATE V. GRAY*, 654 SO. 2D 552 (FLA. 1995), TO BE A NON-EXISTENT CRIME UNDER SECTION 782.04(1)(A), DOES THE STATE NEED TO SPECIFICALLY ALLEGE THE ELEMENTS OF AND CITE TO SECTION 782.051 OR DOES AN ALLEGATION OF ATTEMPTED PREMEDITATED MURDER AUTOMATICALLY INCLUDE ATTEMPTED FELONY MURDER, JUST AS AN INDICTMENT FOR PREMEDITATED MURDER AUTOMATICALLY INCLUDES FELONY MURDER?

We deem it a question of great public importance because the issue affects all attempted felony murder prosecutions and how the state charges a defendant for attempted felony murder after the enactment of section 782.051, Florida Statutes.

CIKLIN, C.J., WARNER and GERBER, JJ., concur.

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