

Criminal Law – Adult Sexual Violence Cases

Florida Supreme Court

No new cases reported.

First District Court of Appeal

Lashley v. State, 2016 WL 3512294 (Fla. 1st DCA 2016). [THE PRINCIPLE OF DOUBLE JEOPARDY](#)

[PROHIBITS SEPARATE CONVICTIONS FOR SOLICITATION AND TRAVELING TO MEET A MINOR AFTER SOLICITATION IF THE CHARGES WERE BASED ON THE SAME CONDUCT.](#) Defendant was convicted of solicitation of a minor, traveling to meet a minor, and unlawful use of a two-way communication device. The Appellate court ruled that double jeopardy required dismissal of both the solicitation and communication device charges. However, the court did affirm the appellant's conviction for traveling after solicitation. Remanded for resentencing. June 28, 2016.

https://edca.1dca.org/DCADocs/2015/0277/150277_DC08_06282016_081032_i.pdf

Second District Court of Appeal

Batchelor v. State, 2016 WL 3265542 (Fla. 2d DCA 2016). [EVIDENCE SUPPORTED CONVICTION FOR ATTEMPTED LEWD BATTERY ON A CHILD AND TRAVELING TO MEET A MINOR; WHERE CHARGING DOCUMENTS DO NOT ATTEMPT TO SHOW TWO DISTINCT ACTS, COURTS CANNOT INFER SUCH.](#)

Evidence was sufficient to support the defendant's conviction for attempted lewd battery on a child, as the defendant had a realistic expectation of imminent sexual activity with the fictitious minor when he was arrested. A law enforcement officer, as part of a sting operation, posed as "Missy" on an adult, online dating website. The defendant responded to "Missy" after seeing her profile on the website and the two began to communicate. "Missy" told the defendant that she was looking for a man to show her thirteen-year-old daughter named "Brooke" about sex. The defendant claimed he was willing to help and asked for a photograph of the fictional "Brooke." After agreeing to "show her about sex," the defendant traveled some distance to the location where he expected to meet the fictitious "Missy" and "Brooke." When he reached the house that was the site of the sting operation, he was arrested in the driveway. The prosecution alleged that the solicitation, travel, and use of a communicator occurred during the same 3-day period. The defendant was found guilty of the three acts. On appeal, the appellate court held that the defendant's convictions for traveling to meet a minor and unlawful use of a two-way communications device violated double jeopardy; the information charged that both the traveling offense and the unlawful use of a two-way communications device offense occurred during a

three-day period and did not predicate the charges on two distinct acts, as was required to avoid double jeopardy. Finally, the court held that proof of the unlawful use of a two-way communications device was subsumed within the proof of the traveling offense. June 15, 2016.

http://www.2dca.org/opinions/Opinion_Pages/Opinion_Pages_2016/June/June%2015,%202016/2D15-308.pdf

Third District Court of Appeal

No new cases reported.

Fourth District Court of Appeal

No new cases reported.

Fifth District Court of Appeal

No new cases reported.