

IN THE EIGHTH JUDICIAL CIRCUIT COURT  
IN AND FOR ALACHUA COUNTY, FLORIDA  
APPELLATE DIVISION

STATE OF FLORIDA,  
*Appellant,*

v.

Case No.: 01-2020-AP-0003  
LT No.: 01-2019-CT-001719

LASHONDA NAKEYA OWENS,  
*Appellee.*

ORDER ON APPEAL

HON. SUSANNE WILSON BULLARD, Circuit Judge  
HON. ROBERT K. GROEB, Circuit Judge  
HON. DENISE R. FERRERO, Circuit Judge

An Appeal from the Alachua County Court, Judge Walter M. Green  
For Appellant: Joseph A. Rozas, Esq., Assistant State Attorney  
For Appellee: Luis D. Rodriguez, Esq., Assistant Public Defender

**PER CURIAM.**

Appellant seeks review of a final order of dismissal. Appellant asserts that the trial court erred by resolving a material disputed fact in favor of Appellee.

Appellee was charged with knowingly driving on a suspended license or driving privilege in the state of Florida in violation of § 322.34(2), Fla. Stat. (2019). A motion to dismiss was filed in open court alleging that Appellee did not have knowledge that her driving privilege was suspended in Florida. Appellee stated that she received a driver's license in Georgia in 2017. Since the Georgia license was obtained after the suspension of her Florida driving privilege, Appellee argued that it constituted an intervening event which led her to believe her driving privilege was no longer suspended in Florida. The trial court granted the motion to dismiss.

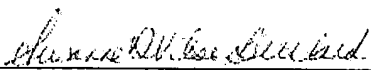


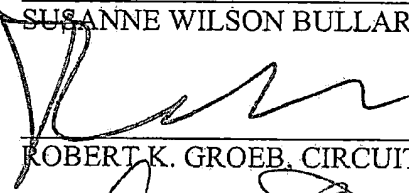
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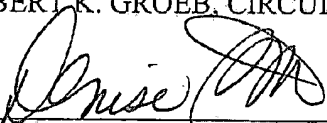
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Florida Rule of Criminal Procedure 3.190(c)(4) permits a court to entertain a motion to dismiss at any time if there are no material disputed facts and the undisputed facts do not establish a prima facie case of guilt against the defendant. However, “[t]he State need only establish a prima facie case and “is entitled to the most favorable construction of evidence, and all inferences should be resolved against the defendant””. See *State v. Hinkle*, 970 So.2d 433, 434 (Fla. 4th DCA 2007) (citing *State v. Pasko*, 815 So.2d 680, 681 (Fla. 2d DCA 2002)). While it is possible to conclude that Appellee did not have knowledge of the Florida suspension based on the issuance of a Georgia license, this is a material disputed fact improperly construed in Appellee’s favor by the trial court. Accordingly, the final judgment is **REVERSED** and the case **REMANDED** for further proceedings consistent with this opinion.

**DONE AND ORDERED** in Alachua County, Florida, on November 23, 2020.

  
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SUSANNE WILSON BULLARD, CIRCUIT JUDGE

  
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ROBERT K. GROEB, CIRCUIT JUDGE

  
\_\_\_\_\_  
DENISE R. FERRERO, CIRCUIT JUDGE

**CERTIFICATE OF SERVICE**

A copy of the foregoing was furnished on November 25, 2020 to:

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Kelly Jones

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