

IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA,

PETITIONER,

V.

DEONTAE PALINSKI JOHNSON,

RESPONDENT.

CASE NO. SC2021-20

FIRST DCA CASE NO. 1D19-1474

PETITIONER'S INITIAL BRIEF

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TABLE OF CONTENTS

| | Pages |
|--|--------------|
| TABLE OF CONTENTS | ii |
| TABLE OF CITATIONS..... | iii |
| PRELIMINARY STATEMENT | 1 |
| STATEMENT OF THE CASE AND FACTS..... | 2 |
| SUMMARY OF THE ARGUMENT..... | 5 |
| ARGUMENT | 7 |
| ISSUE: GIVEN THE REQUIREMENTS OF SECTION 316.062(1), FLORIDA STATUTES, DOES CONVICTION ON MULTIPLE COUNTS UNDER SECTION 316.027(2), FLORIDA STATUTES, STEMMING FROM A SINGLE CRASH INVOLVING MULTIPLE VICTIMS, EXPOSE A DEFENDANT TO MULTIPLE PUNISHMENTS FOR ONE OFFENSE IN VIOLATION OF THE DOUBLE-JEOPARDY PROTECTIONS OF THE U.S. CONSTITUTION? | |
| CONCLUSION..... | 25 |
| CERTIFICATES OF SERVICE AND COMPLIANCE..... | 26 |

TABLE OF CITATIONS

| Cases | Pages |
|--|--------------|
| <i>Blockburger v. United States</i> , 284 U.S. 299, 52 S.Ct. 180 (1932) | 9 |
| <i>Carawan v. State</i> , 515 So.2d 161 (Fla. 1987)..... | 21 |
| <i>City of Parker v. State</i> , 992 So.2d 171 (Fla. 2008) | 22 |
| <i>Gaber v. State</i> , 684 So.2d 189 (Fla. 1996)..... | 19, 20 |
| <i>Halifax Hosp. Med. Ctr. v. State</i> , 278 So.3d 545 (Fla. 2019) | 22 |
| <i>Hardy v. State</i> , 705 So.2d 979 (Fla. 4th DCA 1998) | passim |
| <i>Herring v. State</i> , 435 So.2d 865 (Fla. 3d DCA 1983)..... | 17 |
| <i>Hoag v. State</i> , 511 So.2d 401 (Fla. 5th DCA 1987)..... | passim |
| <i>Hunsicker v. State</i> , 881 So.2d 1166 (Fla. 5th DCA 2004) | 8 |
| <i>Johnson v. State</i> , 307 So.3d 853 (Fla. 1st DCA 2020) | 4, 8, 12, 13 |
| <i>Lopez v. Hall</i> , 233 So.3d 451 (Fla. 2018)..... | 22 |
| <i>McKnight v. State</i> , 906 So.2d 368 (Fla. 5th DCA 2005)..... | 23 |
| <i>Peer v. State</i> , 983 So.2d 34 (Fla. 1st DCA 2008) | 3, 13, 14 |
| <i>State v. Anderson</i> , 695 So.2d 309 (Fla. 1997) | 9 |
| <i>State v. Dumas</i> , 700 So.2d 1223 (Fla. 1997) | 11, 17 |
| <i>State v. Maisonet-Maldonado</i> , 308 So.3d 63 (Fla. 2020) | 19 |
| <i>State v. Marsh</i> , 308 So.3d 59 (Fla. 2020) | 23 |

| | |
|--|--------------|
| <i>United States v. Weathers</i> , 186 F.3d 948 (D.C.Cir.1999) | 9 |
| <i>Valdes v. State</i> , 3 So.3d 1067 (Fla. 2009) | 8, 9, 18, 20 |

Statutes

| | |
|--|----------------|
| Section 316.027, Florida Statutes | passim |
| Section 316.027(1)(a),(b), Florida Statutes (1995) | 21 |
| Section 316.027(1),(2), Florida Statutes (1985) | 21 |
| Section 316.027(2), Florida Statutes..... | passim |
| Section 316.027(2)(a), Florida Statutes | 12, 17, 25 |
| Section 316.027(2)(c), Florida Statutes | 12, 17, 25 |
| Section 316.027(2)(d), Florida Statutes..... | 17 |
| Section 316.062, Florida Statutes | passim |
| Section 316.062(1), Florida Statutes..... | passim |
| Section 775.021, Florida Statutes | 9, 21 |
| Section 775.021(4)(a), Florida Statutes | 19, 20 |
| Section 775.021(4)(b), Florida Statutes..... | 20, 21, 22, 23 |
| Section 775.021(4)(b)(2), Florida Statutes | 20 |
| Section 775.089(1)(a), Florida Statutes..... | 17 |

Rules

| | |
|---|----|
| Florida Rule of Appellate Procedure 9.045(e)..... | 26 |
|---|----|

Constitutional Provisions

Art. I, § 9, Fla. Const 8

U.S. Const. amend. V 8

PRELIMINARY STATEMENT

Petitioner, the State of Florida, was the Appellee in the District Court of Appeal and the prosecuting authority in the trial court. Petitioner will be referred to in this brief as the State. Respondent, Deontae Palinski Johnson, was the Appellant in the District Court of Appeal and the defendant in the trial court. Respondent will be referred to in this brief as such.

STATEMENT OF THE CASE AND FACTS

On December 26, 2016, Respondent ran a red light and struck a vehicle which then struck another vehicle. Respondent was subsequently charged and convicted of Leaving the Scene of the Crash Involving the Death of Tyriq Roberts as well as three counts of Leaving the Scene of the Crash Involving Personal Injury to Breanna Cotton, Kristal Haynes, and Christian Debique. The trial court dismissed one conviction for leaving the scene of a crash involving personal injury, reasoning that Breanna Cotton and Kristal Haynes were in the same vehicle, and the unit of prosecution was each vehicle involved in the crash rather than each person injured.

Respondent was sentenced for leaving the scene of a crash involving death and two counts of leaving the scene of a crash involving personal injury. On appeal, he argued that more than one conviction of leaving the scene of a crash without rendering aid constituted a double jeopardy violation. The First District Court affirmed his conviction for leaving the scene of a crash involving death but vacated the convictions for leaving the scene of a crash involving personal injury in reliance on District Court precedent.

The Honorable Thomas D. Winokur concurred with the majority because he believed they were bound by District Court precedent. However, he observed that section 316.027(2), Florida Statutes, permits separate punishments for each victim because the driver is required to remain at the scene until having fulfilled the requirements of section 316.062(1), Florida Statutes, which prescribes a duty to render reasonable assistance to each person injured in the crash.

Judge Winokur noted in his concurrence that “neither [the First District] Court in *Peer v. State*, 983 So.2d 34 (Fla. 1st DCA 2008), nor the courts in *Hardy v. State*, 705 So.2d 979 (Fla. 4th DCA 1998) or *Hoag v. State*, 511 So.2d 401 (Fla. 5th DCA 1987), considered the effect of section 316.062 in their analyses of whether leaving the scene permits multiple punishments based on multiple victims,” even though section 316.062(1) is specifically referenced in section 316.027(2), and requires a driver to remain at the scene and render reasonable assistance to each crash victim.

Following the First District Court's decision in *Johnson v. State*, 307 So.3d 853 (Fla. 1st DCA 2020), the State filed a Motion for Certification of a question of great public importance, and argued that binding precedent from the First, Fourth, and Fifth District Courts has completely overlooked the requirements of section 316.062(1), Florida Statutes. The State's Motion for Certification was granted. On December 9, 2020, the First District Court certified the following question of great public importance:

GIVEN THE REQUIREMENTS OF SECTION 316.062(1), FLORIDA STATUTES, DOES CONVICTION ON MULTIPLE COUNTS UNDER SECTION 316.027(2), FLORIDA STATUTES, STEMMING FROM A SINGLE CRASH INVOLVING MULTIPLE VICTIMS, EXPOSE A DEFENDANT TO MULTIPLE PUNISHMENTS FOR ONE OFFENSE IN VIOLATION OF THE DOUBLE-JEOPARDY PROTECTIONS OF THE U.S. CONSTITUTION?

Id. at 856.

SUMMARY OF THE ARGUMENT

Respondent caused a multiple vehicle crash in which he killed one person and injured three others. He was convicted of one count of leaving the scene of a crash resulting in death without rendering aid and three counts of leaving the scene of a crash resulting in injury without rendering aid. The trial court dismissed one conviction for leaving the scene of a crash involving injury, reasoning that two of the victims were in the same vehicle, and the unit of prosecution was each vehicle involved in the crash rather than each person injured. The appellate court vacated the two remaining convictions for leaving the scene of a crash resulting in injury without rendering aid due to double jeopardy concerns. The appellate court erred because multiple punishments for multiple offenses stemming from one criminal episode do not violate the double jeopardy protections of the United States and Florida Constitutions when statutory law provides for separate punishments.

Section 316.027, Florida Statutes, requires a driver involved in a crash to stay at the scene of the crash and fulfill the duties prescribed in section 316.062, Florida Statutes, which include not only providing information to the investigating officer, but also

providing aid to each person injured in the crash to the extent that the driver must make arrangements for each injured person to be transported for medical treatment, if necessary. One of the main purposes of the statute is to ensure medical care for the crash victims. Therefore, the unit of prosecution should be the number of crash victims, not the number of crashes. Aid cannot be rendered to the scene of a crash. Aid must be rendered to the persons injured.

Prior cases holding that a driver can only be convicted of one count of leaving the scene of a crash without rendering aid have overlooked the requirements of section 316.062, Florida Statutes, even though it is specifically referenced in section 316.027, Florida Statutes. The District Court's reliance on the prior cases has led to a ruling which is inconsistent with Florida statutory law and should be reversed by this Court.

ARGUMENT

GIVEN THE REQUIREMENTS OF SECTION 316.062(1), FLORIDA STATUTES, DOES CONVICTION ON MULTIPLE COUNTS UNDER SECTION 316.027(2), FLORIDA STATUTES, STEMMING FROM A SINGLE CRASH INVOLVING MULTIPLE VICTIMS, EXPOSE A DEFENDANT TO MULTIPLE PUNISHMENTS FOR ONE OFFENSE IN VIOLATION OF THE DOUBLE-JEOPARDY PROTECTIONS OF THE U.S. CONSTITUTION?

Respondent caused a three vehicle crash which killed the driver of one vehicle and injured three others. Because he left the scene of the crash without attempting to assist any of the victims, he was convicted for committing one count of vehicular homicide, one count of leaving the scene with death, and three counts of leaving the scene with injury. The trial court dismissed one conviction for leaving the scene of a crash involving injury, reasoning that the unit of prosecution was each vehicle involved in the crash. Respondent appealed the other two convictions for leaving the scene of a crash involving injury, arguing a violation of double jeopardy.

On appeal, in reliance on its prior caselaw and opinions from the Fourth and Fifth District Courts of Appeal, the First District Court found that the two convictions for leaving the scene of a crash with injury violated double jeopardy because all three convictions for leaving the scene stemmed from one criminal episode.

The First District erred below because a review of the relevant statutes shows that the Legislature intended separate punishments for each of the crash victims. *Johnson v. State*, 307 So.3d 853, 855 (Fla. 1st DCA 2020), review granted, Case No. SC21-20, 2021 WL 1604700 (Fla. April 26, 2021). Therefore, no violation of double jeopardy occurred.

The United States and Florida Constitutions both contain double jeopardy clauses which prevent multiple punishments for the same criminal offense. *Valdes v. State*, 3 So.3d 1067, 1069 (Fla. 2009) (citing U.S. Const. amend. V; Art. I, § 9, Fla. Const.). “Three basic protections emanate from the Double Jeopardy Clauses of the Federal and Florida Constitutions: 1) protection against a subsequent prosecution for the same offense after acquittal; 2) protection against a subsequent prosecution for the same offense after conviction; and 3) protection against multiple punishments for the same offense.” *Hunsicker v. State*, 881 So.2d 1166, 1169 (Fla. 5th DCA 2004) (citations omitted).

Appellant’s double jeopardy claim is based on the third category of double jeopardy protections referenced above. When multiple convictions are based on violations of different statutes, the courts

apply the “same elements” test outlined by the U.S. Supreme Court in *Blockburger v. United States*, 284 U.S. 299, 52 S.Ct. 180 (1932), and codified in section 775.021, Florida Statutes. However, “[w]here two violations of the same statute rather than two violations of different statutes are charged, courts determine whether a single offense is involved not by applying the *Blockburger* test, but rather by asking what act the legislature intended as the ‘unit of prosecution’ under the statute.” *United States v. Weathers*, 186 F.3d 948, 952 (D.C.Cir.1999).

“[T]here is no constitutional prohibition against multiple punishments for different offenses arising out of the same criminal transaction as long as the Legislature intends to authorize separate punishments.” *Valdes v. State*, 3 So.3d 1067, 1069 (Fla. 2009). “Legislative intent is the polestar that guides our analysis in double jeopardy issues, and there is no clearer signpost of legislative purpose than the official language of Florida Statutes.” *State v. Anderson*, 695 So.2d 309, 311 (Fla. 1997)(footnote omitted).

Leaving the scene of a crash requires review of not only section 316.027, Florida Statutes, but also section 316.062, which prescribes the duties that a driver must perform. By failing to read

the statutes in *pari materia*, the District Courts have failed to recognize that the unit of prosecution is the crash victim, not the crash scene. Section 316.027(2), Florida Statutes, provides as follows:

(2)(a) The driver of a vehicle involved in a crash occurring on public or private property which results in injury to a person other than serious bodily injury shall immediately stop the vehicle at the scene of the crash, or as close thereto as possible, **and shall remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062...**

(emphasis added).

Subsections (b) and (c) of this statute use the same language for crashes involving victims who suffer serious bodily injury and death, only changing the description of the injury suffered and the penalty for the offense. All subsections refer to the duty required under Section 316.062, Florida Statutes, to render aid to each crash victim. It is this section, which is specifically referenced in section 316.027, Florida Statutes, that clearly establishes the unit of prosecution is each individual victim. Section 316.062, provides as follows:

316.062 Duty to give information and render aid.—

(1) The driver of any vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any

person shall give his or her name, address, and the registration number of the vehicle he or she is driving, and shall upon request and if available exhibit his or her license or permit to drive, to any person injured in such crash or to the driver or occupant of or person attending any vehicle or other property damaged in the crash and shall give such information and, upon request, exhibit such license or permit to any police officer at the scene of the crash or who is investigating the crash and **shall render to any person injured in the crash reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.**

(emphasis added).

Thus, section 316.062 requires more of a driver than just providing information to the investigating officer. The statute requires the driver to render aid to any person who is injured even to the extent it might require the driver to carry the person to a doctor or hospital for medical treatment.

The emphasis of the statute is on rendering aid to each crash victim. “One of the main purposes of the statute is to ensure that accident victims receive medical assistance as soon as possible.” *State v. Dumas*, 700 So.2d 1223, 1225 (Fla. 1997). Therefore, the unit of prosecution should be the number of victims. The unit of prosecution should not be the crash scene. Aid cannot be rendered

to a crash scene. The driver must render aid to each of the individual crash victims. “[S]ection 316.062(1) shows that a driver in a crash has an obligation to *each* person in the crash. As such, a driver who leaves the scene of a crash has abandoned his or her obligation to each person involved in the crash.” *Johnson v. State*, 307 So.3d 853, 855 (Fla. 1st DCA 2020), review granted, Case No. SC21-20, 2021 WL 1604700 (Fla. April 26, 2021), Winokur concurring.

Accordingly, the “unit of prosecution” should be each injured person. Respondent failed to render aid by leaving the scene without providing any reasonable assistance, as required by section 316.062, Florida Statutes. Adopting the view that each “injured person” is the unit of prosecution would not constitute a double jeopardy violation because the Legislature intends multiple convictions. Respondent committed four separate offenses, four criminal acts in addition to vehicular homicide, for which the jury properly found him guilty. The trial court did not violate any double jeopardy protections by imposing punishment for leaving the scene of a crash involving injury in violation of section 316.027(2)(a), Florida Statutes, and leaving the scene of a crash involving death in violation of section 316.027(2)(c), Florida Statutes.

On direct appeal, the First District reversed the convictions for the leaving the scene of a crash involving injury due to prior case law holding that “leaving the scene of a crash, even one resulting in death to one victim and injury to others, permits only a single conviction.” *Johnson v. State*, 307 So.3d 853, 854 (Fla. 1st DCA 2020), review granted, Case No. SC21-20, 2021 WL 1604700 (Fla. April 26, 2021). The First District came to that conclusion based upon *Peer v. State*, 983 So.2d 34, 34-35 (Fla. 1st DCA 2008), *Hardy v. State*, 705 So.2d 979, 981 (Fla. 4th DCA 1998), and *Hoag v. State*, 511 So.2d 401, 402 (Fla. 5th DCA 1987).

The binding precedent cited by the First District improperly focuses on the act of leaving the scene rather than the act of abandoning each of the injured victims at the scene without rendering reasonable aid, even though section 316.027(2), Florida Statutes, requires a driver to remain at the scene of the crash and fulfill the requirements of section 316.062(1), Florida Statutes, which requires a driver to render reasonable aid to each crash victim.

In the prior caselaw cited in the opinion below, the First, Fourth, and Fifth District Courts undertook a statutory analysis of section 316.027(2), Florida Statutes, without considering the

requirements of section 316.062(1), Florida Statutes, and determined that the Legislature did not intend to authorize separate punishments for each victim of the crime of leaving the scene of a crash, despite the fact that section 316.062(1), Florida Statutes, is specifically referenced in section 316.027(2), Florida Statutes. As Judge Winokur noted in his concurrence, “neither [the First District] Court in *Peer v. State*, 983 So.2d 34 (Fla. 1st DCA 2008), nor the courts in *Hardy v. State*, 705 So.2d 979 (Fla. 4th DCA 1998) or *Hoag v. State*, 511 So.2d 401 (Fla. 5th DCA 1987), considered the effect of section 316.062 in their analyses of whether leaving the scene permits multiple punishments based on multiple victims.”

In *Peer v. State*, Peer caused a crash which resulted in the death of one person and injury to another. He was convicted of leaving the scene of an accident causing death and leaving the scene of an accident causing injury. On appeal, the First District Court found that he had been convicted of different degrees of the same offense. While the First District acknowledged that the harm caused to the victims was not the same, and that multiple convictions for separate crimes during a single episode are permissible when each offense contains an element which the other does not, it nonetheless

concluded that a double jeopardy violation had occurred, citing *Hardy*. Notably, the First District made no mention of Peer's failure to render aid to each of the crash victims, as required by section 316.062(1), Florida Statutes.

In *Hardy v. State*, Hardy caused a crash which resulted in the death of two persons and serious injury to another person. He was convicted of leaving the scene of an accident involving death and leaving the scene of an accident involving injury. The Fourth District Court observed that "the dispositive question is whether the legislature 'intended to authorize separate punishments for the two crimes.'" *Hardy*, at 980. Then, without making any mention of the requirement to render aid to each victim found in section 316.062(1), the Fourth District incorrectly concluded that the offenses in question were different degrees of the same crime. Without providing much explanation, the Fourth District stated, "our reading of section 316.027 convinces us that the intended 'unit of prosecution' for these offenses is not the number of victims, but the number of accidents." *Id.*

In support of its conclusion in *Hardy*, the Fourth District cited the Fifth District's ruling in *Hoag*, and found "that the 'gist' of the current statute, like its predecessor, is to prohibit a driver from leaving the scene of an accident that involves injury or death. As in *Hoag*, in this case 'there was but one scene of the accident and one failure to stop'; thus, there was but one offense." *Hardy*, at 980-81. Like the Fifth District in *Hoag*, the Fourth District failed to include any analysis of section 316.062(1), but instead, simply concluded that the 'gist' of the section 316.027 was to prevent drivers from leaving the scene of the crash. *Hoag v. State*, 511 So.2d 401, 402 (Fla. 5th DCA1987). Like the Fifth District, the Fourth District completely overlooked the reference to section 316.062(1), and found that because there was one scene of the crash there was only one failure to leave the scene without rendering aid. *Id.*

In his concurrence below, Judge Winokur expressed his specific disagreement with these District court cases, which held that the Legislature did not intend to authorize separate punishments for each victim of the crime of leaving the scene. Judge Winkour stated: "I see no such legislative intent. Instead, I see a statute that criminalizes behavior specific to each victim of a crash."

As Judge Winokur observed:

It should also be noted that the Florida Supreme Court has stated, “[o]ne of the main purposes of [section 316.027(2)] is to ensure that accident victims receive medical assistance as soon as possible.” *State v. Dumas*, 700 So.2d 1223, 1225 (Fla. 1997) (citing *Herring v. State*, 435 So.2d 865, 866 (Fla. 3d DCA 1983)). In my view, this statement recognizes that the statute is directed at individual victims, not at the mere act of leaving the scene.

Additional support for this construction of the statute is found in section 316.027(2)(d), Florida Statutes, which provides that when more than one person is injured, each victim is entitled to restitution.

Section 316.027(2)(d), Florida Statutes, provides as follows:

(d) Notwithstanding s. 775.089(1)(a), if the driver of a vehicle violates paragraph (a), paragraph (b), or paragraph (c), the court shall order the driver to make restitution to the victim for any damage or loss unless the court finds clear and compelling reasons not to order the restitution.

Just as the Legislature made provision for each individual crash victim in section 316.027(2)(d), Florida Statutes, the Legislature made provision for each individual crash victim in sections 316.027(2)(a) and (b) and (c) and 316.062(1), Florida Statutes. The entire statute focuses on making provision for each crash victim.

Pursuant to section 316.062(1), Florida Statutes, which is quoted on pages 10 and 11 above, Respondent was required to give

his name, address, vehicle registration, and driver's license to Christian Debique and Breanna Cotton or Kristal Haynes. He was also required to render aid to any person injured in the crash by providing each such person with "reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician..." Respondent did not render aid to Christian Debique, Tyriq Roberts, Breanna Cotton, or Kristal Haynes. He did not provide reasonable assistance to each injured person, did not make arrangements for each injured person to obtain medical treatment. Instead, he fled without assisting a single person. Respondent failed to render aid by providing reasonable assistance to four victims, not just one.

The District Courts have engaged in a faulty double jeopardy analysis, just as they have regarding other crimes involving traffic fatalities, even while acknowledging that "there is no constitutional prohibition against multiple punishments for different offenses arising out of the same criminal transaction as long as the Legislature intends to authorize separate punishments." *Valdes v. State*, 3 So.3d 1067, 1069 (Fla. 2009).

One offense per victim is what section 316.027(2) prescribes and it does not violate double jeopardy. The statute is entirely constitutional. Time and time again, the trial courts and District Courts have completely overlooked the reference to section 316.062(1) in section 316.027 and excised it altogether from their analysis of this issue. Whether this has been done intentionally or not, the fact remains that the plain language of the statute is clear and unambiguous and there is no need to interpret the statute in such a way as to preserve its constitutionality because it is constitutional on its face. There is no valid reason for the conflict which exists between the plain language of the statute and the statutory interpretation found in binding District Court precedent.

Recently, this Court held in *State v. Maisonet-Maldonado*, 308 So.3d 63, 68 (Fla. 2020), that defendants must be charged with every offense that arises out of one criminal episode, pursuant to section 775.021(4)(a), Florida Statutes. As this Court noted:

[S]ubsection (4)(a) expresses the intent of the Legislature that the text of the statutory offense, not the facts of the crime, are relevant for a double jeopardy analysis. See *Gaber*, 684 So.2d at 190 (“Thus, we cannot examine facts from the record Rather our double-jeopardy analysis must look only to the statutory elements”).

This Court further noted that subsection (4)(a) states that “[w]hoever, in the course of one criminal transaction or episode, commits an act or acts which constitute one or more separate *criminal offenses*, upon conviction and adjudication of guilt, shall be sentenced separately for *each criminal offense*.” Section 775.021(4)(a), Florida Statutes. (emphasis added). *Id.*

This Court reiterated that statutory language is the only factor for determining whether the Legislature intended to punish separate offenses and rejected the “single underlying act” principle. This Court pointed out that the “primary evil” or “core offense” approach previously taken in interpreting section 775.021(4)(b)(2), Florida Statutes, had also been rejected in *Valdes*, 3 So.3d at 1072-74. *Id.*

Section 775.021(4)(b), Florida Statutes, provides in relevant part, as follows:

(b) The intent of the Legislature is to convict and sentence for each criminal offense committed in the course of one criminal episode or transaction and not to allow the principle of lenity as set forth in subsection (1) to determine legislative intent.

Because the Legislature intends to punish each criminal offense committed, one criminal episode may include more than one criminal offense without violating double jeopardy.

Notably, the Fifth District decided *Hoag* in 1987, at a time when the rule of lenity prevailed “where there [was] a reasonable basis for concluding the legislature did not intend multiple punishments.” *Carawan v. State*, 515 So.2d 161, 168 (Fla. 1987). However, not only did the Legislature amend section 775.021, Florida Statutes, in 1988, to clarify that the rule of lenity should not be applied in a double jeopardy analysis, it also amended section 316.027(1),(2), Florida Statutes (1985), which described only a single offense to provide for two offenses. See section 316.027(1)(a),(b), Florida Statutes (1995).

Nonetheless, the Fourth District completely disregarded the significance of the amendments, ignored the plain statutory language the Legislature had enacted, and relied on the Fifth District’s ruling in *Hoag* when deciding *Hardy* in 1998. Then, the First District relied on *Hardy* when deciding *Peer* in 2008, and cited all three as binding precedent in the instant case, even though none of the exceptions in section 775.021(4)(b) grants a defendant protection against multiple convictions for separate offenses arising from a single crash.

As this Court noted in *Maisonet-Maldonado*, “A court's determination of the meaning of a statute begins with the language of the statute.” *Halifax Hosp. Med. Ctr. v. State*, 278 So.3d 545, 547 (Fla. 2019) (citing *Lopez v. Hall*, 233 So.3d 451, 453 (Fla. 2018)). If the language of the statute is clear, “the statute is given its plain meaning, and the court does not ‘look behind the statute’s plain language for legislative intent or resort to rules of statutory construction.’ ” *Id.* (quoting *City of Parker v. State*, 992 So.2d 171, 176 (Fla. 2008)). The plain language of the statutes at issue in the instant case make the Legislative intent clear. “The intent of the Legislature is to convict and sentence for each criminal offense committed in the course of one criminal episode or transaction and not to allow the principle of lenity as set forth in subsection (1) to determine legislative intent.” Section 775.021(4)(b), Florida Statutes.

The fact that the Legislature has made provision in section 316.027(2) for each victim speaks for itself. The Legislature has placed the focus on the number of injured persons abandoned at the scene of a crash. That is the allowable unit of prosecution, not the single act of leaving the scene. The plain language of the statute is directed at the individuals abandoned without being rendered aid.

In *McKnight v. State*, 906 So.2d 368 (Fla. 5th DCA 2005), the Fifth District Court found that double jeopardy was not violated by McKnight's multiple convictions of first-degree vehicular homicide. McKnight was convicted for the death of each victim involved in a single accident which he caused. McKnight failed to render aid to any of the victims. Because one aspect of the criminal conduct to be punished was failure to render aid to the victims, the allowable unit of prosecution was determined to be each victim. Similarly, one aspect of the criminal conduct to be punished here is failure to render aid pursuant to section 316.062, Florida Statutes. Therefore, the allowable unit of prosecution should be each injured person Respondent left at the scene without rendering aid.

Likewise, in *State v. Marsh*, 308 So.3d 59 (Fla. 2020), this Court recently found that Marsh's two charges for DUI with serious bodily injury and two charges for DWLS with serious bodily injury to two separate passengers each contained an element not contained in the other and none of the exceptions set forth in section 775.021(4)(b), Florida Statutes, applied to her convictions. Therefore, her convictions did not violate double jeopardy.

Similarly, Respondent's conviction for leaving the scene of a crash involving death and his multiple convictions for leaving the scene of a crash with bodily injury without rendering aid to multiple crash victims did not result in a double jeopardy violation.

The First District Court incorrectly determined that leaving the scene of a crash resulting in bodily injury is a lesser included offense of leaving the scene of a crash resulting in death, even though each offense contains an element which the other does not.

Because the statutes in question contain no ambiguity regarding the clearly expressed intent of the Legislature to permit multiple prosecutions and convictions for multiple offenses occurring during a single episode of leaving the scene of a crash, this Court should reverse the First District Court's ruling.

CONCLUSION

As in *McKnight*, Respondent failed to render aid to several victims. Consistent with the Legislative intent, which is evident in Chapter 316, Florida Statutes, he was properly found guilty by a jury of his peers of one count of violating section 316.027(2)(c), Florida Statutes, for leaving the scene of the crash without rendering aid to Tyriq Roberts, who perished, and multiple counts of violating section 316.027(2)(a), Florida Statutes, for leaving the scene of the crash without rendering aid to each of the crash victims who suffered injury.

The First District Court erred in finding the unit of prosecution to be the scene of the crash rather than the injured persons abandoned at the scene because aid cannot be rendered to a crash scene. Because the statute is unambiguous that the unit of prosecution should be each individual victim abandoned at the scene without having been rendered aid, this Court should reverse the First District Court's ruling below.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this brief was furnished to counsel of record by electronic mail via the e-filing portal on July 7, 2021.

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief was computer generated using Bookman Old Style 14-point font and contains 5293 words according to the word count feature in Microsoft Word, in compliance with Florida Rule of Appellate Procedure 9.045(e).

Respectfully submitted and certified,

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