

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D15-1950

DONALD VERNON KELLEY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Okaloosa County.
Michael Flowers, Judge.

November 6, 2018

ON REMAND FROM THE FLORIDA SUPREME COURT

PER CURIAM.

We previously reversed Appellant's sentences and convictions as to three of his twelve convictions: lewd and lascivious battery and two lewd and lascivious conduct counts. *Kelley v. State*, 204 So. 3d 37, 37-38 (Fla. 1st DCA 2016). The Florida Supreme Court quashed our decision and remanded for reconsideration in light of its decision in *State v. Knighton*, 235 So. 3d 312 (Fla. 2018).

In light of *Knighton*, the trial court correctly rejected Appellant's request for a jury instruction on unnatural and lascivious act. *See Knighton*, 235 So. 3d at 316-17 (explaining

that unnatural must mean something other than an act that would be criminalized under lewd and lascivious statutes).

Accordingly, we AFFIRM Appellant's judgments and sentences on all counts, in all respects.

BILBREY, KELSEY, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, and Courtenay H. Miller, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Trisha Meggs Pate, Assistant Attorney General, and Michael Schaub, Assistant Attorney General, Tallahassee, for Appellee.