

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-3144

AKEEM WILLIAM DAVID
JOHNSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Alachua County.
James M. Colaw, Judge.

May 17, 2018

PER CURIAM.

Appellant was convicted of two counts of resisting an officer without violence after he ran from officers, fell to the ground almost immediately, and continued to resist while on the ground until he was restrained and loaded into a patrol car. The entire encounter took twenty to thirty seconds. Because this incident amounts to one criminal episode and one criminal act, the dual convictions for resisting an officer without violence are a double jeopardy violation. *See R.J.R. v. State*, 88 So. 3d 264, 267 (Fla. 1st DCA 2012) (“Florida courts have consistently held that a continuous resistance to an ongoing attempt to effectuate a person’s arrest or detainment constitutes only one single instance of resisting an officer.”); *Williams v. State*, 959 So. 2d 790, 793 (Fla.

2d DCA 2007) (“When considering the issue of what constitutes a criminal episode in the context of resisting charges, courts have held that a defendant’s continuous resistance to a single ongoing attempt to effectuate his arrest constitutes a single episode of resisting.”). The remedy is to “reverse and remand for the trial court to vacate one of the convictions for resisting arrest without violence.” See *Fogle v. State*, 754 So. 2d 878, 879 (Fla. 1st DCA 2000).

REVERSED and REMANDED.

ROWE, RAY, and MAKAR, 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 Glenna Joyce Reeves, Assistant Public Defender, for Appellant.

Pamela Jo Bondi, Attorney General, and Daniel Krumbholz, Assistant Attorney General, for Appellee.