

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-1476

E.W., a child,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Leon County.
Robert E. Long, Judge.

February 11, 2019

PER CURIAM.

Appellant challenges his adjudication of delinquency for trespassing on school grounds pursuant to section 810.097(1), Florida Statutes. Appellant contends the State failed to present a prima facie case of guilt because there was no evidence appellant was on school grounds for an illegitimate purpose. We agree.

The State presented video surveillance evidence from Rickards High School and GPS data from appellant's electronic monitoring device to show that appellant was on the grounds of Rickards High in a white car that drove by the front office. There was no evidence the car stopped or was anywhere other than the public driveway for a very short period of time. The school's assistant principal testified that appellant was not a registered

student and did not check in with the front office. This evidence alone, however, does not prove that appellant was on school grounds for an illegitimate purpose.

Since the State failed to provide evidence of an essential element of the offense, we are required to REVERSE and REMAND with directions for the trial court to vacate appellant's adjudication of delinquency for trespassing on school grounds.

WOLF, LEWIS, and WETHERELL, JJ., concur.

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

Candice K. Brower, Criminal Conflict & Civil Regional Counsel, Region One, and Melissa J. Ford, Assistant Conflict Counsel, Tallahassee, for Appellant.

Ashley B. Moody, Attorney General, and Heather Flanagan Ross, Assistant Attorney General, Tallahassee, for Appellee.