McKnight v. State (Fla. 20th Cir. Ct. 1999)

Reported at 6 Fla. L. Weekly Supp. 265a. Lee County appellate division.

JOSEPH McKNIGHT, Appellant, vs. STATE OF FLORIDA, Appellee. 20th Judicial Circuit in and for Lee County. Appeal Case No. 97-0549 AP. Lower Case No. 96-46824 TT. Opinion issued January 19, 1999. Appeal from the County Court for Lee County; Edward J. Volz, Jr., Judge. Counsel: Carolyn C. Ramunni, Assistant Public Defender, Fort Myers, for Appellant. Felicia A. Wilcox, Assistant State Attorney, Fort Myers, for Appellee.

(PER CURIAM.) In this prosecution for driving under the influence and violation of a driver's license restriction, Joseph McKnight appeals the trial court's denial of his motion for judgment of acquittal on the driver's license restriction charge. For the reasons as set forth below the court is reversed.

McKnight was stopped by a Fort Myers Police Officer for driving in the wrong direction down a one way street in the downtown district of Fort Myers. The officer observed signs of McKnight's disorientation and an open can of beer in the vehicle. McKnight refused to perform any field sobriety or breath alcohol tests. At trial, McKnight moved for a judgment of acquittal on both the DUI and driving in violation of a license restriction charges. The court granted the motion on the DUI charge but denied it in regard to the violation of a license restriction charge. For reasons unknown to the Court, the State did not appeal the trial court's ruling on the DUI charge and therefore the issue is not before the Court.

With regard to the violation of a driver's license restriction charge, although McKnight's license was restricted to driving for business purposes only, the State failed to present any evidence to show that McKnight was not in fact driving for employment purposes.

The Florida Supreme Court has repeatedly held that ``[a] motion for judgment of acquittal should be granted in a circumstantial evidence case if the state fails to present evidence from which the jury can exclude every reasonable hypothesis except that of guilt." State v. Law, 559 So.2d 187, 188 (Fla. 1989); Barwick v. State, 660 So.2d 685 (Fla. 1995); Gordon v. State, 704 So.2d 107 (Fla. 1997).

The motion for a judgment of acquittal should have been granted at the conclusion of the State's case because the State failed to do just that, i.e., introduce evidence that would exclude every reasonable hypothesis except that of guilt. Indeed, the State failed to introduce any evidence whatsoever with regard to McKnight's purpose in being where he was when he was stopped by the police.

The judgment is REVERSED. (STARNES, REESE, and BAKER, JJ., concur.)

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