

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL): AY  
CASE NO.: 502017AP000011CAXXMB  
L.T. No.: 502016TR146343AXXXNB

ASHANTI PATRESSA YOUNG,  
Appellant,  
v.  
STATE OF FLORIDA,  
Appellee.

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Opinion filed: **JAN 18 2018**

Appeal from the County Court in and for Palm Beach County,  
Judge Sandra Bosso-Pardo

For Appellant: Joel L. Mumford, Esq.  
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West Palm Beach, FL 33406  
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For Appellee: Town of Jupiter Police  
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PER CURIAM.

Appellant Ashanti Patressa Young (“Appellant”) was issued a traffic citation for failing to yield to oncoming traffic while making a left turn, in violation of section 316.122, Florida Statutes. Appellant proceeded to trial where the State submitted no evidence establishing that Appellant drove the vehicle when the alleged infraction occurred. At trial, Appellant argued an oral motion to dismiss, contending that the citation should be dismissed because no evidence admitted at trial established Appellant drove the vehicle when the alleged infraction occurred. The trial court denied the motion to dismiss and entered a final disposition adjudicating Appellant guilty of the infraction.

Appellant argues, and we agree, that the trial court erred in denying Appellant's oral motion to dismiss and in finding Appellant guilty of violating section 316.122, Florida Statutes. The identification of an alleged offender "as the perpetrator of [a] traffic infraction is a necessary element in every infraction case." *Meisel v. State*, 10 Fla. L. Weekly Supp. 235b (Fla. 15th Cir. Ct. Feb. 2003). "If there is insufficient evidence identifying the alleged offender . . . acquittal is warranted . . . ." *Id.* Here, because no evidence admitted at trial established that Appellant drove the vehicle when the alleged infraction occurred, the trial court erred in denying Appellants oral motion to dismiss and in subsequently finding Appellant guilty of violating section 316.122, Florida Statutes. *Id.* Accordingly, Appellant's conviction is **REVERSED**.

J. MARX, BLANC, and FRENCH, JJ., concur.

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Appeal from the County Court in and for  
Palm Beach County; Sandra Bosso-Pardo

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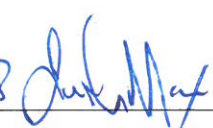


Date of Appeal: January 27, 2017

DATE OF PANEL: DECEMBER 12, 2017

PANEL JUDGES: J. MARX, BLANC, FRENCH

AFFIRMED/REVERSED/OTHER: REVERSED

PER CURIAM OPINION/DECISION BY: PER CURIAM

CONCURRING:	)	DISSENTING:	)	CONCURRING SPECIALLY:	)
	)	With/Without Opinion	)	With/Without Opinion	)
<u>1-16-18</u> 	)		)		)
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