

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

APPELLATE DIVISION (CRIMINAL): AC
CASE NO.: 502019AP000112AXXXMB
L.T. NO.: 502019MM001907AXXXMB

RODOLFO CASTELLON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

_____ /

Opinion filed: July 15, 2020

Appeal from the County Court in and for Palm Beach County;
Judge Debra Moses Stephens.

For Appellant: Benjamin Eisenberg, Esq.
Office of the Public Defender
421 Third Street, 6th Floor
West Palm Beach, FL 33401
beisenberg@pd15.state.fl.us
appeals@pd15.org

For Appellee: Joseph R. Kadis, Esq.
Office of the State Attorney
401 North Dixie Highway
West Palm Beach, FL 33401
JKadis@sa15.org
criminalappeals@sa15.org

PER CURIAM.

Appellant, Rodolfo Castellon, appeals his judgment and sentence for one count of Battery (Domestic). Appellant asserts that the trial court abused its discretion in precluding him from impeaching the victim with alleged material omissions from her statement to police, and that the trial court erred in convicting him of Battery (Domestic).

As to Appellant's first argument, we affirm without comment. However, as to Appellant's

second argument, we hold that the trial court erred in convicting Appellant of Battery (Domestic), as there is no such crime in the State of Florida. *Crockett v. State*, 91 So. 3d 872, 872 (Fla. 2d DCA 2012); *Narinesingh v. State*, 27 Fla. L. Weekly Supp. 230a (Fla. 15th Cir. Ct. Apr. 22, 2019).

Accordingly, we **REMAND** to the trial court to correct Appellant's judgment and sentence to properly reflect that he was convicted and sentenced to Battery, and not Battery (Domestic). We otherwise **AFFIRM** in all other aspects.

G. KEYSER, GILLEN, and CARACUZZO, JJ., concur.

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RODOLFO CASTELLON,
Appellant,

Opinion/Decision filed: July 15, 2020

v.

Appeal from the County Court in and for
Palm Beach County, Florida;
Judge Debra Moses Stephens

STATE OF FLORIDA,
Appellee.

Appealed: July 29, 2019

_____ /

DATE OF PANEL: JULY 14, 2020

PANEL JUDGES: G. KEYSER, GILLEN, CARACUZZO

AFFIRMED/REVERSED/OTHER: AFFIRM AND REMAND W/ INSTRUCTIONS

DECISION BY: PER CURIAM

CONCURRING:	)	DISSENTING:	)	CONCURRING SPECIALLY:)
	)	With/Without Opinion	)	With/Without Opinion)
)))
<u>/s/ Gregory M. Keyser</u>)	_____)	_____)
DATE: 7/14/20 J.	)	J.	)	J.)
)))
<u>/s/ Jeffrey Dana Gillen</u>)	_____)	_____)
DATE: 7/14/20 J.	)	J.	)	J.)
)))
<u>/s/ Cheryl A. Caracuzzo</u>)	_____)	_____)
DATE: 7/14/20 J.	)	J.	)	J.)