

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

APPELLATE DIVISION (CRIMINAL): AC
CASE NO: 502016AP900209AXXXMB
L.T. NO: 502016MM004796AXXXMB

TAKAWIRA MUGWADI,
Appellant,
v.

STATE OF FLORIDA,
Appellee.

_____ /

Opinion filed: **MAY 11 2017**

Appeal from the County Court in and for Palm Beach County,
Judge Leonard Hanser

For Appellant: Nancy Jack, Esq.
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PER CURIAM.

“A defendant may waive the right to a jury trial, provided that the waiver is reflected on the record.” *Tucker v. State*, 559 So.2d 218, 220 (Fla.1990). Because no such waiver appears in the record before this Court, we reverse Appellant’s conviction and remand this case for a new trial. *Walker v. State*, 149 So. 3d 170, 171 (Fla. 4th DCA 2014).

We further note that it appears the court below attempted to certify no jail time and waive Appellant’s right to a jury trial pursuant to section 918.0157, Florida Statutes (2016). A defendant charged with an offense punishable by imprisonment of six months or less is not entitled to a jury trial if the court “certifie[s] that if defendant were convicted the county court

would impose no jail time nor would it adjudicate defendant guilty.” *Weber v. City of Fort Lauderdale*, 675 So. 2d 696, 697 (Fla. 4th DCA 1996). Appellant in the instant case was charged with a first degree misdemeanor punishable by up to one year in jail, and thus the court did not have the statutory authority to waive Appellant’s right to a jury trial.

As a new trial is necessary for the reasons expressed above, we find it unnecessary to reach the merits of the second issue raised on appeal.

REVERSED and REMANDED for further proceedings consistent with this opinion.
BURTON, JOHNSON, and CARACUZZO, JJ., concur.

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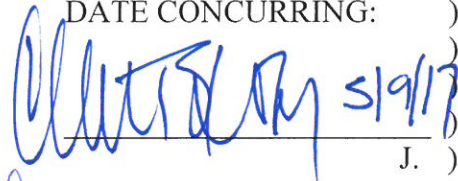

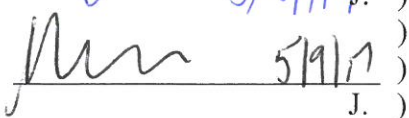
Appealed: July 18, 2016

DATE OF PANEL: APRIL 24, 2017

PANEL JUDGES: BURTON, JOHNSON, CARACUZZO

AFFIRMED/REVERSED/OTHER: REVERSED

PER CURIAM OPINION/DECISION BY: PER CURIAM

DATE CONCURRING:)	DISSENTING:)	CONCURRING SPECIALLY:)
)	With Opinion)	With/Without Opinion)
 5/9/17)))
J.)	J.)	J.)
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