

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Anzagen Black v. The State of Florida

No. 3D22-0571 · No. No. 3D22-0571 · Decided August 9, 2023

SUMMARY

The Third District Court of Appeal of Florida affirmed the trial court’s determination that Anzagen Black willfully violated the terms of probation. The court relied on precedent recognizing competent, substantial evidence of willfulness despite alleged mental illness or limited intellectual capabilities.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Per Curiam; Logue, C.J.; Scales, J.; Miller, J.
JURISDICTION	Florida
DECIDED	August 9, 2023
DOCKET	No. 3D22-0571
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anzagen Black appealed from a decision of the Circuit Court for Miami-Dade County involving a finding that she willfully violated probation.
STANDARD OF REVIEW	The cited authorities apply a competent-substantial-evidence standard to a trial court's finding of a willful probation violation.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Anzagen Black v. The State of Florida

TOPICS

- probation
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal law
- probation
- criminal appellate practice

QUESTIONS PRESENTED

- Whether the circuit court's finding that Black willfully violated probation should be affirmed.

HOLDINGS

1. The circuit court's determination that Black willfully violated probation was affirmed.

KEY QUOTATIONS

“had twenty-one ‘bracelet gone notifications’ and ten insufficient battery alarms” (2)

FACTUAL BACKGROUND

The opinion contains no detailed factual recitation concerning the alleged probation violation. It indicates that the appeal concerned a trial court finding that Black willfully violated probation and cites cases addressing monitoring violations, mental illness, and limited intellectual capabilities.

PROCEDURAL HISTORY

The appeal was taken from the Circuit Court for Miami-Dade County. The Third District Court of Appeal affirmed the circuit court's ruling.

DISPOSITION

affirmed

CASES CITED

- Soliz v. State, 18 So. 3d 1094, 1097 (Fla. 2d DCA 2009)
- Palma v. State, 830 So. 2d 201, 203 (Fla. 5th DCA 2002)
- Harris v. State, 898 So. 2d 1126, 1127 (Fla. 3d DCA 2005)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed August 9, 2023. Not final until disposition of timely filed motion for rehearing. _____ No. 3D22-0571 Lower Tribunal No. F14-15090 _____ Anzagen Black, Appellant, vs. The State of Florida, Appellee. An appeal from the Circuit Court for Miami-Dade County, Ramiro C. Areces, Judge.

Carlos J. Martinez, Public Defender, and Shannon Hemmendinger, Assistant Public Defender, for appellant. Ashley Moody, Attorney General, and Christina L. Dominguez, Assistant Attorney General, for appellee. Before LOGUE, C.J., and SCALES, and MILLER, JJ. PER CURIAM. Affirmed. See Soliz v. State, 18 So. 3d 1094, 1097 (Fla. 2d DCA 2009) (concluding probationer willfully violated probation terms when evidence submitted established probationer “had twenty-one ‘bracelet gone notifications’ and ten insufficient battery alarms”); Palma v. State, 830 So.

2d 201, 203 (Fla. 5th DCA 2002) (affirming trial court’s finding that defendant willfully violated probation where, despite her allegations of mental illness, defendant had history of violating her

probation); see also *Harris v. State*, 898 So. 2d 1126, 1127 (Fla. 3d DCA 2005) (determining competent, substantial evidence supported trial court's finding of willful probation violation notwithstanding defendant's limited intellectual capabilities).