

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Lawrence Alan Neu v. State of Florida

Neu · No. 6D2024-0677 · Decided September 5, 2025

SUMMARY

The Sixth District Court of Appeal of Florida held that punishing Lawrence Alan Neu for both computer solicitation of a minor for sex and travel for sex with a minor after computer solicitation violated double jeopardy. Applying Florida and federal double-jeopardy principles, the court concluded that the charging document did not make clear that the two offenses were based on distinct solicitation conduct. The court reversed the conviction and sentence for the lesser solicitation offense and remanded for resentencing on the remaining counts.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Gannam, J.; Nardella, J.; Mize, J.
JURISDICTION	Sixth District Court of Appeal of Florida
DECIDED	September 5, 2025
DOCKET	6D2024-0677
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Neu appealed his judgment and sentence after a jury convicted him of multiple offenses and the trial court adjudicated him guilty on counts 6 through 8. He challenged the multiple punishments imposed for computer solicitation of a minor for sex and travel for sex with a minor after computer solicitation on double-jeopardy grounds.
STANDARD OF REVIEW	De novo review applies to double-jeopardy claims based on undisputed facts.
PRECEDENTIAL VALUE	published
PARTIES	Lawrence Alan Neu v. State of Florida

TOPICS

double jeopardy

criminal procedure

appellate procedure

statutory interpretation

standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether separate punishments for computer solicitation of a minor for sex and travel for sex with a minor after computer solicitation violate double jeopardy when the charging document does not make clear that the State relied on distinct solicitation conduct.
2. Whether the charging document, rather than the trial record, controls the determination of whether the two convictions were based on the same conduct for double-jeopardy purposes.
3. What remedy is required when the solicitation offense is the lesser offense subsumed within travel after solicitation.

HOLDINGS

1. Separate punishments violate double jeopardy when the offenses are the same in law because the solicitation elements are subsumed within the travel-after-solicitation offense and the offenses are the same in fact because the charging document does not make clear that distinct solicitation acts supported the two charges.
2. To support convictions and punishments for both solicitation and travel after solicitation, the charging document must make clear that the State relied on separate criminal transactions, episodes, or distinct acts within one transaction or episode.
3. The conviction and sentence for the lesser offense of computer solicitation must be reversed, and the case must be remanded for entry of an amended judgment and resentencing on the remaining counts.

KEY QUOTATIONS

“Thus, under Shelley, a single act of solicitation—i.e., the “same conduct”—cannot support conviction and punishment for both solicitation and travel after solicitation, and Neu’s punishments for his convictions on both count 6 and count 8 can only stand if the convictions are supported by distinct acts of solicitation.” (9-10)

“But the “separate and distinct from” language charging counts 1 through 5 against Neu illustrates one way the State might make clear that it relies on separate conduct in charging multiple violations of the same prohibition or multiple offenses with overlapping elements.” (13)

“Punishing Neu for both solicitation and travel after solicitation, as charged, violates the double jeopardy prohibition against multiple punishments for the same offense—the offenses are the same in law under Shelley, and the same in fact under Lee.” (14)

FACTUAL BACKGROUND

Neu was charged with computer solicitation of a minor for sex under section 847.0135(3) and travel for sex with a minor after computer solicitation under section 847.0135(4). Both counts alleged conduct occurring between June 2 and June 3, 2022, in Florida, but the amended information did not identify separate solicitation acts

supporting the two offenses. After convictions on both counts, the trial court imposed separate punishments, including imprisonment on the travel count and probation on the solicitation count.

PROCEDURAL HISTORY

The State charged Neu by amended information with five counts of transmitting harmful material to a minor, computer solicitation of a minor for sex, attempted lewd battery on a child, and travel for sex with a minor after computer solicitation. A jury convicted him on all counts. The trial court vacated the convictions on counts 1 through 5, adjudicated Neu guilty on counts 6 through 8, and sentenced him to seven years' imprisonment on count 8 followed by concurrent five-year terms of sex-offender probation on counts 6 and 7. Neu timely appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the judgment of conviction and sentence on count 6, the lesser crime of computer solicitation. Remand for entry of an amended judgment and resentencing on counts 7 and 8.

CASES CITED

- Arroyo v. State, 379 So. 3d 1218 (Fla. 6th DCA 2024)
- State v. Banda, 397 So. 3d 214, 216-17 (Fla. 6th DCA 2024)
- Trappman v. State, 384 So. 3d 742, 746-54 (Fla. 2024)
- Trotter v. State, 825 So. 2d 362, 365 (Fla. 2002)
- Burton v. United States, 202 U.S. 344, 380 (1906)
- State v. Shelley, 176 So. 3d 914, 916-20 (Fla. 2015)
- Valdes v. State, 3 So. 3d 1067, 1069 (Fla. 2009)
- Blockburger v. United States, 284 U.S. 299 (1932)
- Graham v. State, 207 So. 3d 135, 141 (Fla. 2016)
- Lee v. State, 258 So. 3d 1297, 1303-04 (Fla. 2018)
- Partch v. State, 43 So. 3d 758, 760 (Fla. 1st DCA 2010)
- Lee v. State, 223 So. 3d 342, 367 n.19 (Fla. 1st DCA 2017)
- Morejon-Medina v. State, 277 So. 3d 1118, 1121-22 (Fla. 2d DCA 2019)
- Hayes v. State, 803 So. 2d 695, 704 (Fla. 2001)