

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Julio M. Duran v. State of Florida

Duran v. State · No. No. 3D24-1539 · Decided April 8, 2026

SUMMARY

The Third District Court of Appeal of Florida affirmed Julio M. Duran’s conviction for lewd or lascivious exhibition under section 800.04(7)(a)(1), Florida Statutes (2020). The court relied on the statutory text and prior Florida decisions addressing intentional sexual conduct or exposure in the presence of a minor.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	Gordo; Bokor; Gooden
JURISDICTION	Third District Court of Appeal of Florida
DECIDED	April 8, 2026
DOCKET	No. 3D24-1539
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Circuit Court for Miami-Dade County; the appellate court affirmed.
PRECEDENTIAL VALUE	published
PARTIES	Julio M. Duran v. State of Florida

TOPICS

- criminal procedure
- statutory interpretation
- evidence
- appellate procedure

PRACTICE AREAS

- Florida criminal law
- criminal appellate practice
- sexual-offense prosecution

QUESTIONS PRESENTED

- Whether the judgment involving a violation of section 800.04(7)(a)(1), Florida Statutes (2020), should be affirmed.

HOLDINGS

1. The judgment is affirmed; the court relied on section 800.04(7)(a)(1) and authorities recognizing that evidence of intentional sexual exposure or exhibition may support a conviction for lewd or lascivious exhibition.

KEY QUOTATIONS

“Under Florida criminal law the terms ‘lewd’ and ‘lascivious’ are synonymous: Both require an intentional act of sexual indulgence or public indecency, when such act causes offense to one or more persons viewing it or otherwise intrudes upon the rights of others.”

FACTUAL BACKGROUND

The opinion does not recite the underlying facts of Duran's case. It concerns an appeal involving an alleged violation of section 800.04(7)(a)(1), Florida Statutes (2020), which addresses intentionally masturbating in the presence of a victim under sixteen years of age.

PROCEDURAL HISTORY

Julio M. Duran appealed from a judgment of the Circuit Court for Miami-Dade County. The Third District Court of Appeal affirmed in a per curiam opinion.

DISPOSITION

affirmed

CASES CITED

- Usry v. State, 118 So. 3d 988, 990 (Fla. 1st DCA 2013)
- State v. Sholl, 18 So. 3d 1158, 1161 (Fla. 1st DCA 2009)
- Schmitt v. State, 590 So. 2d 404, 410 (Fla. 1991)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed April 8, 2026. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1539 Lower Tribunal No. F20-6958 _____ Julio M. Duran, Appellant, vs. State of Florida, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Lody Jean, Judge. Carlos J. Martinez, Public Defender, and Nicholas A. Lynch, Assistant Public Defender, for appellant.

James Uthmeier, Attorney General, and Sandra Lipman, Senior Assistant Attorney General, for appellee. Before GORDO, BOKOR, and GOODEN, JJ. PER CURIAM. Affirmed. See § 800.04(7)(a)(1), Fla. Stat. (2020). (“A person who [i]ntentionally masturbates... in the presence of a victim who is less than 16 years of age, commits lewd or lascivious exhibition.”); Usry v. State, 118 So.

3d 988, 990 (Fla. 1st DCA 2013) (holding evidence that Usry intentionally exposed himself at a school bus stop supports guilty verdict on lewd and lascivious exhibition under section 800.04(7), Florida Statutes); State v. Sholl, 18 So. 3d 1158, 1161 (Fla. 1st DCA 2009) (holding jury could reasonably infer from Sholl's decision to expose himself during online chat to someone whom he believed to be a thirteen-year-old girl that he was intentionally acting in a lewd or lascivious manner for purposes of section 800.04(7), Florida Statutes); see also Schmitt v. State, 590 So.

2d 404, 410 (Fla. 1991) ("Under Florida criminal law the terms 'lewd' and 'lascivious' are synonymous: Both require an intentional act of sexual indulgence or public indecency, when such act causes offense to one or more persons viewing it or otherwise intrudes upon the rights of others."). 2