

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Patrick Anthony Ribbing v. State of Florida

No. 1D2023-3323 (Fla. 1st DCA Oct. 1, 2025) · No. 1D2023-3323 · Decided October 1, 2025

SUMMARY

The Florida First District Court of Appeal denied rehearing and certification of conflict, withdrew its prior opinion, and substituted this opinion. The court held that a college security guard lacked sufficient personal knowledge to testify about the market value of a stolen laptop, making the testimony inadmissible and the error harmful. The court affirmed in part, reversed the theft conviction, and remanded for entry of a judgment for petit theft.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Ray, J.; Kelsey, J.; M.K. Thomas, J.
JURISDICTION	Florida First District Court of Appeal
DECIDED	October 1, 2025
DOCKET	1D2023-3323
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Ribbing appealed his convictions for burglary of an occupied structure, possession of burglary tools, and theft of property valued at \$100 or more but less than \$750. The appeal challenged, among other matters, the admission of a security guard's testimony concerning the value of the stolen laptop.
STANDARD OF REVIEW	Evidentiary rulings are generally reviewed for abuse of discretion. An erroneous interpretation of the rules of evidence or relevant case law is reviewed de novo. The court reviewed the resulting evidentiary error for harmful error.
PRECEDENTIAL VALUE	published
PARTIES	Patrick Anthony Ribbing v. State of Florida

TOPICS

- evidence
- standard of review
- harmless error
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by admitting a security guard's testimony regarding the market value of the stolen laptop when the guard lacked personal knowledge concerning the property's value.
2. Whether the erroneous admission of the valuation testimony was harmful when no other evidence established the value of the stolen property.
3. What judgment and sentence were appropriate after the State failed to prove the value threshold for the charged theft offense.

HOLDINGS

1. The trial court abused its discretion by admitting the security guard's valuation testimony because the State failed to establish that he possessed the personal knowledge necessary to testify about the laptop's fair market value.
2. The erroneous admission of the security guard's testimony was harmful because, without it, the State presented no evidence establishing the value of the stolen property.
3. The judgment and sentence for theft of \$100 or more but less than \$750 had to be vacated, and the trial court was instructed to enter a judgment for petit theft, a second-degree misdemeanor.

KEY QUOTATIONS

“When a specific amount is at issue in a theft charge, the State must prove the value of the stolen property beyond a reasonable doubt.” (at 2)

“To assess the sufficiency of evidence regarding the stolen property’s value, courts apply the following two-part test: First, the court must determine whether the person testifying is competent to testify as to the value of the property.” (at 2)

“Here, the trial court abused its discretion when it allowed the security guard to testify as to the value of the laptop as he was not competent to do so given he lacked the personal knowledge necessary.” (at 3)

“Because the State failed to establish the value of the stolen goods, we reverse and remand with instructions that the trial court vacate the judgment and sentence on the charge of theft (\$100 or more, but less than \$750), a first-degree misdemeanor, and enter a judgment for petit theft, a second-degree misdemeanor.” (at 4)

FACTUAL BACKGROUND

Ribbing was arrested for stealing a laptop and other items from Pensacola State College. The State's only evidence of value was testimony from a college security guard, who affirmed that the laptop was worth between \$100 and \$750. The guard testified that he did not work in inventory, information technology, accounting, purchasing, or related departments and did not maintain lists of school property.

PROCEDURAL HISTORY

The Circuit Court for Escambia County admitted the security guard's valuation testimony over defense objection and entered convictions and sentence, including a conviction for first-degree misdemeanor theft. The First District withdrew its prior opinion, denied rehearing and certification of conflict, substituted this opinion, affirmed in part, reversed in part, and remanded with instructions to vacate the theft judgment and sentence and enter judgment for petit theft.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the judgment and sentence on the theft charge alleging theft of \$100 or more but less than \$750, and enter a judgment for petit theft, a second-degree misdemeanor. The remaining convictions were affirmed.

CASES CITED

- McCray v. State, 919 So. 2d 647, 649 (Fla. 1st DCA 2006)
- Globe v. State, 877 So. 2d 663, 673 (Fla. 2004)
- Gilliam v. Smart, 809 So. 2d 905 (Fla. 1st DCA 2002)
- F.B. v. State, 852 So. 2d 226, 230 (Fla. 2003)
- Council v. State, 206 So. 3d 155, 156-57 (Fla. 1st DCA 2016)
- Sellers v. State, 838 So. 2d 661, 662 (Fla. 1st DCA 2003)
- Taylor v. State, 425 So. 2d 1191, 1193 (Fla. 1st DCA 1983)
- Jones v. State, 408 So. 2d 690, 691 (Fla. 2d DCA 1982)
- Cofield v. State, 474 So. 2d 849, 851 (Fla. 1st DCA 1985)

OPINION

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA

No. 1D2023-3323 _____
PATRICK ANTHONY RIBBING, Appellant, v. STATE OF FLORIDA, Appellee.

On appeal from the Circuit Court for Escambia County. Linda Lee Nobles, Judge. October 1, 2025 OPINION ON MOTION FOR REHEARING AND/OR CERTIFICATION OF CONFLICT PER CURIAM.

We deny the pending Motion for Rehearing and/or Certification of Conflict. On our own motion, we withdraw our opinion issued July 9, 2025, and substitute the following in its place. Patrick Ribbing appeals his convictions for burglary of an occupied structure, possession of burglary tools, and theft of over \$100.00 but less than \$750.00. Ribbing raises numerous issues on appeal, only

one of which merits discussion. * He argues that the trial court erred in allowing the security guard to testify regarding the value of the stolen property, and without this testimony, the State failed to introduce competent evidence as to the value of the property taken.

We agree and reverse and remand. Ribbing was arrested for stealing a laptop, among other items, from Pensacola State College. The only testimony regarding the value of the items taken came from a security guard at the college who was asked by the State if the laptop was worth between \$100.00 and \$750.00, and he answered in the affirmative. Defense counsel objected to the question, arguing that the security guard lacked personal knowledge as to the value of the laptop as he was not part of the business administration, inventory, accounting, or purchasing departments at the college.

The trial court determined that it was a matter for cross-examination and overruled defense counsel's objection. On cross-examination, the security guard testified that he was not in charge of inventory and did not work in the IT Department, the computer science department, the accounting department, the purchasing department, or the science department. He also confirmed that he did not keep inventory of school supplies or items used by the school and did not keep a list of school property.

Generally, a trial court's ruling on the admissibility of evidence is subject to an abuse of discretion review. See *McCray v. State*, 919 So. 2d 647, 649 (Fla. 1st DCA 2006) (citing *Globe v. State*, 877 So. 2d 663, 673 (Fla. 2004)).

However, the trial court's discretion in admitting evidence is limited by the rules of evidence * Appellant claims on appeal that there was insufficient evidence to support his three convictions. But because Appellant failed to move for judgment of acquittal at trial, he must show on appeal that "the evidence is insufficient to show that a crime was committed at all." *F.B. v. State*, 852 So.

2d 226, 230 (Fla. 2003). Appellant is unable to meet this burden as the evidence establishes that he committed, at the very least, the crime of trespass. Appellant is free to seek postconviction relief under Florida Rule of Criminal Procedure 3.850. 2 and relevant case law, and "[a] court's erroneous interpretation of these authorities is subject to de novo review." *Id.* (citing *Gilliam v. Smart*, 809 So.

2d 905 (Fla. 1st DCA 2002)). When a specific amount is at issue in a theft charge, the State must prove the value of the stolen property beyond a reasonable doubt. See *Council v. State*, 206 So. 3d 155, 156 (Fla. 1st DCA 2016). "Value means the market value of the property at the time and place of the offense or, if such cannot be satisfactorily ascertained, the cost of replacement of the property taken within a reasonable time after the offense." § 812.012(10)(a)1., Fla. Stat. To assess the sufficiency of evidence regarding the stolen property's value, courts apply the following two-

part test: First, the court must determine whether the person testifying is competent to testify as to the value of the property.

Second, if the person is competent, the court must ascertain whether the evidence adduced at trial is sufficient to prove that the property was worth over [the value alleged in the charge] at the time of the theft. Council, 206 So. 3d at 157 (quoting *Sellers v. State*, 838 So. 2d 661, 662 (Fla. 1st DCA 2003)). Competency is premised upon the personal knowledge a witness has in relation to the property stolen.

See *Taylor v. State*, 425 So. 2d 1191, 1193 (Fla. 1st DCA 1983) (“If the lay witness has personal knowledge of the property, he is competent to express an opinion as to the value of his employer’s property.”). Here, the trial court abused its discretion when it allowed the security guard to testify as to the value of the laptop as he was not competent to do so given he lacked the personal knowledge necessary.

See *Jones v. State*, 408 So. 2d 690, 691 (Fla. 2d DCA 1982) (noting that although the witness may have been working on the night of the theft, “there [was] nothing in the record to demonstrate that [he] possessed the requisite knowledge to testify concerning the market value of the [stolen item]”). Absent acknowledging that the security guard worked in that position for several years, the State did not offer anything to demonstrate that he had personal knowledge as to the fair market value of the laptop, and there is nothing in the record to demonstrate that the 3 security guard possessed the requisite knowledge to testify regarding the market value of the laptop.

Having determined that the trial court erred in admitting the security guard’s testimony, we must determine whether the error was harmful. It was. Without the security guard’s testimony, the State was unable to prove the value of the goods taken as no other evidence was admitted on the subject. See *Cofield v. State*, 474 So. 2d 849, 851 (Fla. 1st DCA 1985) (reversing conviction for grand theft finding improperly admitted evidence of value was harmful error).

Because the State failed to establish the value of the stolen goods, we reverse and remand with instructions that the trial court vacate the judgment and sentence on the charge of theft (\$100 or more, but less than \$750), a first-degree misdemeanor, and enter a judgment for petit theft, a second-degree misdemeanor. AFFIRMED in part, REVERSED in part, and REMANDED.

RAY, KELSEY, and M.K. THOMAS, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ Jessica J. Yeary, Public Defender, and Danielle Jorden, Assistant Public Defender, Tallahassee, for Appellant. James Uthmeier, Attorney General, and Robert Charles “Charlie” Lee, Assistant Attorney General, Tallahassee, for Appellee.

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