

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Vincent Lenell Winchester v. State of Florida

No. 1D2023-2355 · No. No. 1D2023-2355 · Decided April 30, 2025

SUMMARY

The First District Court of Appeal of Florida affirmed Vincent Lenell Winchester’s second-degree murder conviction and fifty-year sentence for a crime committed when he was sixteen. The court held that evidence that Winchester fired three shots into an occupied vehicle during an attempted robbery was sufficient to allow the jury to find that he acted with a depraved mind and to deny his motion for judgment of acquittal.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; M.K. Thomas; Bilbrey; Long
JURISDICTION	Florida First District Court of Appeal
DECIDED	April 30, 2025
DOCKET	No. 1D2023-2355
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a conviction for second-degree murder and a resulting fifty-year prison sentence; appellant challenged the denial of his motion for judgment of acquittal.
STANDARD OF REVIEW	The denial of a motion for judgment of acquittal is reviewed de novo. The evidence is viewed in the light most favorable to the State, and the motion must be denied if the evidence is capable of supporting a guilty verdict.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Vincent Lenell Winchester v. State of Florida

TOPICS

- criminal procedure
- standard of review
- appellate procedure
- evidence
- sentencing

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to support a finding that Winchester acted with a depraved mind, an element of second-degree murder.
2. Whether the trial court erred by denying Winchester's motion for judgment of acquittal.
3. Whether Winchester's fifty-year sentence for a crime committed when he was sixteen years old should be reversed.

HOLDINGS

1. Evidence that Winchester pointed a handgun at a passenger during an attempted robbery and then fired three times into an occupied vehicle, killing the driver, was sufficient to allow the jury to determine that he committed second-degree murder with a depraved mind without regard for human life.
2. The trial court properly denied the motion for judgment of acquittal because the evidence, viewed in the light most favorable to the State, was capable of supporting a guilty verdict.
3. The fifty-year prison sentence was affirmed.

KEY QUOTATIONS

“A trial court’s denial of a motion for judgment of acquittal is reviewed de novo.” (at 1)

“If the evidence, when considered in the light most favorable to the State, is capable of supporting a guilty verdict, a motion for judgment of acquittal must be denied.” (at 1)

“act of shooting into a crowd of people was imminently dangerous to human life and demonstrated a depraved mind.” (at 2)

FACTUAL BACKGROUND

While attempting to rob a passenger in a vehicle, Winchester pointed a handgun at the passenger. When the vehicle's driver attempted to drive away, Winchester fired three shots into the vehicle. One shot struck and killed the driver by passing through the lung, trachea, and an artery.

PROCEDURAL HISTORY

The Escambia County Circuit Court denied Winchester's motion for judgment of acquittal and entered a conviction for second-degree murder with a fifty-year prison sentence. Winchester appealed to the First District Court of Appeal, which affirmed both the denial of the motion and the sentence.

DISPOSITION

affirmed

CASES CITED

- Perez v. State, 187 So. 3d 1279, 1281 (Fla. 1st DCA 2016)
- Ford v. State, 306 So. 3d 417, 421-22 (Fla. 1st DCA 2020)

- Ford v. State, 390 So. 3d 1238, 1239 (Fla. 1st DCA 2024)
- State v. Montgomery, 39 So. 3d 252, 255-56 (Fla. 2010)
- Presley v. State, 499 So. 2d 64, 65 (Fla. 1st DCA 1986)
- Jacobson v. State, 248 So. 3d 286, 288 (Fla. 1st DCA 2018)

OPINION

Winchester v. State of Florida

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ No. 1D2023-2355 _____

VINCENT LENELL WINCHESTER,

Appellant, v.

STATE OF FLORIDA,

Appellee. _____ On appeal from the Circuit Court for Escambia County. Coleman L. Robinson, Judge. April 30, 2025 PER CURIAM. Appellant challenges his conviction for murder in the second degree in violation of section 782.04(2), Florida Statutes (2018), and resulting fifty-year prison sentence for a crime committed when he was sixteen years old. Appellant claims error in the denial of his motion for judgment of acquittal on the second-degree murder charge arguing that evidence that he acted with a depraved mind was lacking. We affirm the sentence without further comment and affirm the denial of the judgment of acquittal as explained below. “A trial court’s denial of a motion for judgment of acquittal is reviewed de novo.” Perez v. State, 187 So. 3d 1279, 1281 (Fla. 1st DCA 2016) (citations omitted). “If the evidence, when considered in the light most favorable to the State, is capable of supporting a guilty verdict, a motion for judgment of acquittal must be denied.” Id. To prove the charge of second-degree murder, “the State had to prove [the defendant] caused the victim’s death by committing a criminal act that was imminently dangerous and demonstrated a depraved mind without regard for human life.” Ford v. State, 306 So. 3d 417, 421 (Fla. 1st DCA 2020) (citations omitted). We have observed that an act can evince a depraved mind when (1) a person of ordinary judgment would know that it is reasonably certain to kill or cause serious bodily injury, (2) it is done from ill will, hatred, spite, or evil intent, and (3) it is of such a nature that the act itself indicates an indifference to human life. Ford v. State, 390 So. 3d 1238, 1239 (Fla. 1st DCA 2024) (citing State v. Montgomery, 39 So. 3d 252, 255–56 (Fla. 2010)). Viewing the evidence in a light most favorable to the State shows that Appellant pointed at handgun at one of the passengers in a vehicle while attempting to rob the passenger. A second passenger was in the vehicle along with the driver. The driver of the vehicle attempted to drive away from the robbery, but Appellant fired the handgun three times into the motor vehicle. One of Appellant’s shots hit the victim, the driver

of the vehicle. The victim was shot through the lung, the trachea, and an artery by a bullet, killing him. We have held that evidence of shooting into an occupied vehicle is “sufficient to support the jury’s verdict of second degree murder.” *Presley v. State*, 499 So. 2d 64, 65 (Fla. 1st DCA 1986). Furthermore, an “act of shooting into a crowd of people was imminently dangerous to human life and demonstrated a depraved mind.” *Ford*, 306 So. 3d at 422 (citations omitted); see also *Jacobson v. State*, 248 So. 3d 286, 288 (Fla. 1st DCA 2018) (holding that pointing a loaded firearm at the victim while committing a robbery and then discharging the firearm was sufficient evidence to support the “required state of mind for second-degree murder”). The evidence presented at trial was sufficient to allow the jury to consider whether Appellant committed second-degree murder.

AFFIRMED. BILBREY, M.K. THOMAS, and LONG, 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, David A. Henson, Assistant Public Defender, and Megan Long, Assistant Public Defender, Tallahassee, for Appellant. James Uthmeier, Attorney General, and Zachary F. Lawton, Assistant Attorney General, Tallahassee, for Appellee. 3