

FOURTH DISTRICT COURT OF APPEAL OF FLORIDA

Bautista v. State

832 So. 2d 122 (Fla. 4th DCA 2002) · Decided August 28, 2002

SUMMARY

The Florida Fourth District Court of Appeal affirmed David Bautista’s convictions and sentences for two counts of first-degree DUI manslaughter with failure to render aid. The court rejected challenges concerning prosecutorial comments, felony enhancement, and multiple convictions arising from one accident, relying on Florida precedent permitting separate DUI manslaughter convictions for deaths of multiple victims. The court certified a question of great public importance concerning the application of the “a/any” test to multiple DUI manslaughter convictions.

CASE DETAILS

COURT	Fourth District Court of Appeal of Florida
WRITING FOR THE COURT	John W. Dell, Senior Judge; Shahood, J.; Klein, J.
JURISDICTION	Florida
DECIDED	August 28, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	David Bautista appealed the final judgment adjudicating him guilty of and sentencing him for two counts of first-degree DUI manslaughter with failure to render aid.
STANDARD OF REVIEW	The court reviewed alleged prosecutorial misconduct for fundamental or reversible error and reviewed the statutory and double-jeopardy issues de novo.
PRECEDENTIAL VALUE	Published opinion; precedential Florida district court of appeal decision, with a certified question of great public importance.
PARTIES	David Bautista v. State of Florida

TOPICS

[criminal procedure](#) [statutory interpretation](#) [appellate procedure](#) [appellate jurisdiction](#) [double jeopardy](#)

PRACTICE AREAS

criminal law

criminal procedure

DUI manslaughter

statutory interpretation

double jeopardy

appellate procedure

QUESTIONS PRESENTED

1. Whether the prosecutor's comments during opening statement denied Bautista a fair trial and required a new trial.
2. Whether Bautista's failure to render aid and provide information permitted enhancement of both DUI-manslaughter counts to first-degree felonies.
3. Whether multiple convictions and sentences for DUI manslaughter may arise from the deaths of two victims in a single accident, notwithstanding the statutory phrase 'the death of any human being' and the a/any unit-of-prosecution test.

HOLDINGS

1. The prosecutor's comments did not constitute fundamental error or reversible error and therefore did not require a new trial.
2. Both DUI-manslaughter convictions were properly enhanced to first-degree felonies because Bautista failed to render aid and provide information for the two victims.
3. Multiple convictions and sentences for DUI manslaughter are permissible when one DUI violation causes the deaths of multiple victims in a single accident.

KEY QUOTATIONS

"The DUI driver may sustain multiple convictions because the violation causes injury to each victim." (125)

"DOES THE 'A/ANY' TEST ADOPTED IN GRAPPIN v. STATE AND STATE v. WATTS AS THE METHOD FOR DETERMINING THE UNIT OF PROSECUTION FOR THE COMMISSION OF MULTIPLE PROSCRIBED ACTS IN THE COURSE OF A SINGLE EPISODE, PRECLUDE MULTIPLE CONVICTIONS FOR DUI MANSLAUGHTER WHERE MORE THAN ONE DEATH OCCURS IN A SINGLE ACCIDENT AS APPROVED IN MELBOURNE v. STATE." (125)

FACTUAL BACKGROUND

Bautista's vehicle collided with another vehicle, fatally injuring both occupants. He was operating the vehicle with an unlawful blood-alcohol level and fled without rendering aid or providing information to responding police officers. A jury convicted him of two counts of first-degree DUI manslaughter with failure to render aid.

PROCEDURAL HISTORY

After Bautista's vehicle collided with another car and killed its two occupants, a jury convicted him of two counts of first-degree DUI manslaughter with failure to render aid. The trial court entered final judgment and imposed sentence on both counts. The Fourth District Court of Appeal affirmed the convictions and sentences and certified a question of great public importance concerning multiple DUI-manslaughter convictions arising from one accident.

DISPOSITION

affirmed

CASES CITED

- Grappin v. State, 450 So. 2d 480 (Fla. 1984)
- State v. Watts, 462 So. 2d 813 (Fla. 1985)
- Melbourne v. State, 679 So. 2d 759, 765 (Fla. 1996)
- Boutwell v. State, 631 So. 2d 1094 (Fla. 1994)
- Wright v. State, 592 So. 2d 1123 (Fla. 3d DCA 1991)
- State v. Wright, 546 So. 2d 798, 799 (Fla. 1st DCA 1989)

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