

**DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH
DISTRICT**

State of Florida v. Jamarlin Huntley

Huntley · No. 4D19-2332 · Decided January 6, 2021

SUMMARY

The Fourth District Court of Appeal of Florida affirmed an order granting Jamarlin Huntley’s motion for judgment of acquittal on a child abuse charge. The court held that the entirely circumstantial evidence did not establish an intentional act without impermissibly stacking inferences and concluded that it was bound by existing precedent.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	Per Curiam; Gross, J.; Ciklin, J.; Bell, Carolyn, Associate Judge
JURISDICTION	Florida
DECIDED	January 6, 2021
DOCKET	4D19-2332
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed an order granting Huntley's motion for judgment of acquittal after a jury had deliberated and returned a verdict on all charges.
STANDARD OF REVIEW	The appellate court reviewed the post-verdict judgment of acquittal and the sufficiency of the entirely circumstantial evidence supporting the charged child-abuse offense.
PRECEDENTIAL VALUE	Published and precedential Florida Fourth District Court of Appeal opinion
PARTIES	State of Florida v. Jamarlin Huntley

TOPICS

criminal procedure appellate jurisdiction evidence appellate procedure

PRACTICE AREAS

criminal law criminal procedure appellate practice

QUESTIONS PRESENTED

1. Whether the appellate court had jurisdiction to review an order granting a judgment of acquittal after the jury had deliberated and returned a verdict but before the jury was polled.
2. Whether the entirely circumstantial evidence established that Huntley committed an intentional act that could reasonably be expected to result in physical or mental injury to K.H. without impermissibly stacking inferences.

HOLDINGS

1. The court had jurisdiction to review the order of acquittal because it was entered after the jury had deliberated and returned a verdict to the trial court on all charges, even though the jury had not been polled.
2. The entirely circumstantial evidence was insufficient to establish beyond the permissible inference process that Huntley committed the intentional act required for child abuse; affirming the judgment of acquittal was therefore required.

KEY QUOTATIONS

“An impermissible pyramiding of inferences occurs where at least two inferences in regard to the existence of a criminal act must be drawn from the evidence and then stacked to prove the crime charged; in that scenario, it is said that the evidence lacks the conclusive nature to support a conviction.”

FACTUAL BACKGROUND

Huntley was charged with child abuse involving K.H., who was under eighteen. The State's proof regarding the commission of the charged act was entirely circumstantial. After the jury deliberated and returned a verdict on all charges, the trial court granted Huntley's motion for judgment of acquittal without polling the jury.

PROCEDURAL HISTORY

The Circuit Court for the Seventeenth Judicial Circuit in and for Broward County granted the defendant's motion for judgment of acquittal after the jury returned a verdict, but before the jury was polled. The State appealed, and the Fourth District Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Graham v. State, 748 So. 2d 1071, 1072 (Fla. 4th DCA 1999)
- State v. Pickersgill, 284 So. 3d 542, 548 (Fla. 4th DCA 2019), review denied, SC19-2142, 2020 WL 3549917 (Fla. June 30, 2020)
- Bush v. State, 295 So. 3d 179 (Fla. 2020)

OPINION

STATE OF FLORIDA v. JAMARLIN HUNTLEY

PER CURIAM.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

FOURTH DISTRICT

STATE OF FLORIDA,

Appellant, v.

JAMARLIN HUNTLEY,

Appellee. No. 4D19-2332 [January 6, 2021] Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Marina Garcia-Wood, Judge; L.T. Case No. 18-3773 CF10A. Ashley Moody, Attorney General, Tallahassee, and Paul Patti, III, Assistant Attorney General, West Palm Beach, for appellant. Carey Haughwout, Public Defender, and David John McPherrin, Assistant Public Defender, West Palm Beach, for appellee. PER CURIAM. The state appeals an order granting the defendant's motion for judgment of acquittal. 1 To prove the charged offense of child abuse, the state was required to prove that (1) the defendant committed "[a]n intentional act that could reasonably be expected to result in physical or mental injury to" K.H., and (2) that K.H. was under 18. See §§ 827.01(2), 827.03(1)(b)2., Fla. Stat. (2017). On the entirely circumstantial evidence before us as to the commission of the act, we cannot conclude that the defendant committed an intentional act without impermissibly stacking inferences. See generally *Graham v. State*, 748 So. 2d 1071, 1072 (Fla. 4th DCA 1999) ("An impermissible pyramiding of inferences occurs where 1 The trial court granted the motion for judgment of acquittal after a jury verdict but without polling the jury. We have jurisdiction because "the order of acquittal was granted after the jury had deliberated and returned a verdict to the trial court on all charges." See *State v. Pickersgill*, 284 So. 3d 542, 548 (Fla. 4th DCA 2019), review denied, SC19-2142, 2020 WL 3549917 (Fla. June 30, 2020); see also Fla. R. Crim. P. 3.450. at least two inferences in regard to the existence of a criminal act must be drawn from the evidence and then stacked to prove the crime charged; in that scenario, it is said that the evidence lacks the conclusive nature to support a conviction."). In light of *Bush v. State*, 295 So. 3d 179 (Fla. 2020), we are aware that the jurisprudence regarding inference stacking may evolve, but at this point we are bound to follow the dictates of precedent. Accordingly, we affirm. Affirmed. GROSS, CIKLIN, JJ., and BELL, CAROLYN, Associate Judge, concur. * * * Not final until disposition of timely filed motion for rehearing. 2