

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Thomas Andrew Vana, Jr. v. State of Florida

Vana · No. 6D2023-2407 · Decided September 5, 2025

SUMMARY

The Florida Sixth District Court of Appeal reviewed Thomas Andrew Vana, Jr.'s convictions for offenses arising from four drug transactions. The court held that the State failed to present competent, substantial evidence that the municipal park near Vana's home was city-owned at the time of the 2018 offenses, an element relevant to the enhanced offenses. It reversed those convictions, directed entry of judgments for the lesser-included offenses, and remanded for resentencing with an updated scoresheet, while affirming the consolidation of the charging documents.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Traver, C.J.; Wozniak, J.; Gannam, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	September 5, 2025
DOCKET	6D2023-2407
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Vana appealed his judgment and sentence following convictions for eighteen offenses arising from four drug transactions. He challenged, among other things, the denial of his motion for judgment of acquittal on six charges alleging sale of controlled substances within 1,000 feet of a municipal park.
STANDARD OF REVIEW	The denial of a motion for judgment of acquittal is reviewed de novo. The appellate court upholds convictions when competent, substantial evidence supports the jury's verdict. At the judgment-of-acquittal stage, the evidence and reasonable inferences are viewed in the light most favorable to the State.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Thomas Andrew Vana, Jr. v. State of Florida

TOPICS

criminal procedure

evidence

standard of review

appellate procedure

statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

evidence

QUESTIONS PRESENTED

1. Whether the State presented competent, substantial evidence that Lake Kennedy Community Park was a state, county, or municipal park at the time of the charged drug sales, as required to sustain convictions for sales of controlled substances within 1,000 feet of a municipal park.
2. Whether the trial court properly denied Vana's motion for judgment of acquittal on the park-proximity offenses.
3. Whether the trial court abused its discretion by consolidating four charging documents arising from separate drug transactions.

HOLDINGS

1. The State failed to present competent, substantial evidence that the park near Vana's home was a state, county, or municipal park in 2018, when the charged offenses occurred.
2. The trial court should have granted Vana's motion for judgment of acquittal on the six park-proximity charges because the State's evidence was insufficient to prove an essential statutory element.
3. The trial court did not abuse its discretion by consolidating the four separate charging documents, each relating to a separate drug transaction.

KEY QUOTATIONS

“But the State adduced no evidence that the park by Vana’s home was a state, county, or municipal park when he sold drugs in 2018.” (at 3)

“The trial court should have granted Vana’s motion.” (at 3)

FACTUAL BACKGROUND

In 2018, law enforcement conducted a surveillance operation involving Vana and confidential informants, resulting in charges from four separate drug transactions. At trial in 2023, the State presented evidence that Vana's home was near Lake Kennedy Community Park, including distance measurements made in 2022 and testimony from the City's property broker that the City owned the park. The State did not present competent, substantial evidence that the property was a state, county, or municipal park in 2018, when the charged drug sales occurred.

PROCEDURAL HISTORY

The Circuit Court for Lee County denied Vana's motion for judgment of acquittal after the State presented evidence concerning the location and municipal ownership of Lake Kennedy Community Park. The jury returned convictions, and the trial court entered judgment and sentence. The Sixth District Court of Appeal

affirmed the consolidation of the charging documents, reversed the convictions for sales within 1,000 feet of a municipal park, and remanded for entry of judgments on lesser-included sale offenses and resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the convictions for sale of a controlled substance within 1,000 feet of a municipal park; direct the trial court to enter judgments for the lesser-included offenses of sale of a controlled substance; and resentence Vana using an updated scoresheet.

CASES CITED

- Smithers v. State, 826 So. 2d 916, 923-24 (Fla. 2002)
- Pagan v. State, 830 So. 2d 792, 803 (Fla. 2002)
- Tibbs v. State, 397 So. 2d 1120, 1123 (Fla. 1981)
- Donaldson v. State, 722 So. 2d 177 (Fla. 1998)
- Terry v. State, 668 So. 2d 954, 964 (Fla. 1996)
- Bush v. State, 295 So. 3d 179, 200-01 (Fla. 2020)
- Fitzpatrick v. State, 900 So. 2d 495, 508 (Fla. 2005)
- Morrison v. State, 818 So. 2d 432, 451 (Fla. 2002)
- Rogers v. State, 285 So. 3d 872, 891 (Fla. 2019)
- Cox v. State, 764 So. 2d 711, 713 (Fla. 1st DCA 2000)
- Lemaster v. State, 162 So. 3d 56, 57 (Fla. 4th DCA 2014)
- Moore v. State, 18 So. 3d 715, 716 (Fla. 2d DCA 2009)