

FLORIDA THIRD DISTRICT COURT OF APPEAL

Tonya Oliver v. The State of Florida

No. 3D24-1532 (Fla. 3d DCA June 23, 2025) · No. No. 3D24-1532; Lower Tribunal No. B24-5507 · Decided July 23, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the appellant’s conviction in a per curiam opinion. The court cited Florida precedent concerning motions for judgment of acquittal, proof of fear, and fundamental error based on unpreserved evidentiary insufficiency.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Per curiam; Emas; Miller; Bokor
JURISDICTION	Florida Third District Court of Appeal
DECIDED	July 23, 2025
DOCKET	No. 3D24-1532; Lower Tribunal No. B24-5507
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the County Court for Miami-Dade County; the Florida Third District Court of Appeal affirmed.
STANDARD OF REVIEW	A motion for judgment of acquittal should not be granted when the evidence permits any view that a jury may lawfully take in favor of the State; the defendant admits the facts in evidence and every favorable inference a jury might fairly and reasonably draw.
PRECEDENTIAL VALUE	Published
PARTIES	Tonya Oliver v. The State of Florida

TOPICS

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

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to withstand a motion for judgment of acquittal.
2. Whether proof of a victim's fear required direct or precise evidence of actual fear.
3. Whether an unpreserved claim that the State failed to prove an element constituted fundamental error.

HOLDINGS

1. A motion for judgment of acquittal should not be granted where the evidence permits any view that a jury may lawfully take in favor of the State, including every favorable conclusion the jury might fairly and reasonably infer.
2. When circumstances would ordinarily induce fear in a reasonable person, the victim may be found to have been in fear without strict and precise proof of actual fear.
3. The fundamental-error exception does not permit appellate review of unpreserved error based on the State's evidentiary failure to prove the crime or delinquent act unless the evidence failed to establish that any crime or delinquent act occurred.

KEY QUOTATIONS

“In moving for a judgment of acquittal, the defendant ‘admits not only the facts stated in the evidence adduced, but also admits every conclusion favorable to the [State] that a jury might fairly and reasonably infer The [trial court] should not grant a motion for judgment of acquittal unless the evidence is such that no view which the jury may lawfully take of it favorable to the [State] can be sustained under the law.’”
(2)

“where the circumstances were such as to ordinarily induce fear in the mind of a reasonable man, then the victim may be found to be in fear, and actual fear need not be strictly and precisely shown.” (2)

“the fundamental error exception does not permit appellate review of unpreserved error in the State’s evidentiary failure to prove the crime/delinquent act unless the evidence failed to establish the commission of any crime/delinquent act whatsoever.” (2)

FACTUAL BACKGROUND

The opinion does not describe the underlying factual record in detail. It references an evidentiary challenge involving proof of a victim's fear and an appellate argument concerning unpreserved evidentiary insufficiency. The court affirmed without further factual discussion.

PROCEDURAL HISTORY

Oliver appealed a county court decision from Miami-Dade County. The district court affirmed in a brief per curiam opinion, relying on precedent concerning motions for judgment of acquittal, proof of fear, and fundamental error in unpreserved evidentiary insufficiency claims.

DISPOSITION

affirmed

CASES CITED

- Garcia v. State, 373 So. 3d 1213, 1223 (Fla. 3d DCA 2023)
- Lynch v. State, 293 So. 2d 44, 45 (Fla. 1974)
- Gilbert v. State, 347 So. 2d 1087, 1088 (Fla. 3d DCA 1977)
- H.R. v. State, 298 So. 3d 1217, 1224 (Fla. 3d DCA 2020)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed June 23, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D24-1532 Lower Tribunal No. B24-5507 _____ Tonya Oliver, Appellant, vs. The State of Florida, Appellee. An Appeal from the County Court for Miami-Dade County, Marcus Bach Armas, Judge.

Carlos J. Martinez, Public Defender, and Amy Weber, Assistant Public Defender, for appellant. James Uthmeier, Attorney General, and Camilo Montoya, Assistant Attorney General, for appellee. Before EMAS, MILLER and BOKOR, JJ. PER CURIAM. Affirmed. See Garcia v. State, 373 So. 3d 1213, 1223 (Fla. 3d DCA 2023) (“In moving for a judgment of acquittal, the defendant ‘admits not only the facts stated in the evidence adduced, but also admits every conclusion favorable to the [State] that a jury might fairly and reasonably infer....

The [trial court] should not grant a motion for judgment of acquittal unless the evidence is such that no view which the jury may lawfully take of it favorable to the [State] can be sustained under the law.” (quoting Lynch v. State, 293 So. 2d 44, 45 (Fla. 1974))); Gilbert v. State, 347 So. 2d 1087, 1088 (Fla. 3d DCA 1977) (“[W]here the circumstances were such as to ordinarily induce fear in the mind of a reasonable man, then the victim may be found to be in fear, and actual fear need not be strictly and precisely shown.”); H.R. v. State, 298 So.

3d 1217, 1224 (Fla. 3d DCA 2020) (“[T]he fundamental error exception does not permit appellate review of unpreserved error in the State’s evidentiary failure to prove the crime/delinquent act unless the evidence failed to establish the commission of any crime/delinquent act whatsoever.”).