

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

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.”).