

FIFTH DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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Case No. 5D23-853  
LT Case No. 2021-CF-008542

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ROBERT GAFFNEY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On Appeal from the Circuit Court for Duval County.  
Meredith Charbula, Judge.

Matthew J. Metz, Public Defender, and Natalie R Gossett,  
Assistant Public Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General, and Christina Piotrowski and  
Adam B. Wilson, Assistant Attorney Generals, Tallahassee, for  
Appellee.

December 5, 2023

PER CURIAM.

AFFIRMED. *See Roughton v. State*, 185 So. 3d 1207, 1211 (Fla. 2016) (“We recede from our prior decision in *Gibbs [v. State]*, 698 So. 2d 1206 (Fla. 1997),] and hold that a double jeopardy analysis must—in accordance with section 775.021(4)[, Florida Statutes]—be conducted without regard to the accusatory pleading or the

proof adduced at trial, even where an alternative conduct statute is implicated.”).

EDWARDS, C.J., LAMBERT, and MACIVER, JJ., concur.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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