

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

TANISHA ROEBUCK,

Appellant,

v.

Case No. 5D12-1061

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed August 2, 2013

Appeal from the Circuit Court
for Osceola County,
Jon B. Morgan, Judge.

James S. Purdy, Public Defender, and
Rose M. Levering, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Robin A. Compton,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Appellant, Tanisha Roebuck, was convicted of resisting an officer with violence and resisting an officer without violence. She appeals claiming a double jeopardy violation. We agree. The acts giving rise to both convictions involved the same officer and occurred during the same incident as part of one criminal episode with no temporal break. See Davila v. State, 98 So. 3d 122 (Fla. 5th DCA 2012). Therefore, we reverse the conviction for resisting an officer without violence.

REVERSE and REMAND.

SAWAYA, PALMER and EVANDER, JJ., concur.