

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

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

STATE OF FLORIDA,

Appellant/Cross-Appellee,

v.

Case No. 5D17-1599

ROY LIVINGSTON ROLLE, III,

Appellee/Cross-Appellant.

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Opinion filed June 1, 2018

Appeal from the Circuit Court  
for Lake County,  
William G. Law, Jr., Judge.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Pamela J. Koller,  
Assistant Attorney General, Daytona  
Beach, for Appellant/Cross-Appellee.

James S. Purdy, Public Defender, and  
Andrew Mich, Assistant Public Defender,  
Daytona Beach, for Appellee/Cross-  
Appellant.

PER CURIAM.

We conclude that there was no competent, substantial evidence to support a downward departure sentence in this battery case. Accordingly, we reverse the sentence and remand this cause with instructions that the lower court sentence Appellee in accordance with the Criminal Punishment Code.

REVERSED AND REMANDED.

TORPY, WALLIS and LAMBERT, JJ., concur.