

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D19-243

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TONY KWABENA LOVELACE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Escambia County.  
Stephen A. Pitre, Judge.

August 17, 2020

PER CURIAM.

Tony Lovelace was convicted of one count trafficking in heroin, one count possession of methamphetamine with intent to sell, one count possession of cocaine with intent to sell, two counts of child neglect, and one count possession of drug paraphernalia. We agree the evidence was not legally sufficient to support the charges of trafficking in heroin and possession of cocaine with intent to sell, and the trial court should have granted Lovelace's motions for judgment of acquittal on those counts. *See, e.g., Hill v. State*, 873 So. 2d 491, 492 (Fla. 1st DCA 2004); *Santiago v. State*, 991 So. 2d 439 (Fla. 2d DCA 2008). We reject Lovelace's other issues on appeal and affirm the remaining convictions. Accordingly, we reverse the convictions for trafficking in heroin

and possession of cocaine with intent to sell, vacate the sentence, and remand for resentencing on the remaining counts.

AFFIRMED in part, REVERSED in part, and REMANDED with instructions.

B.L. THOMAS, WINOKUR, and JAY, 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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Andy Thomas, Public Defender, and Kathryn Lane, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Heather Flanagan Ross, Assistant Attorney General, Tallahassee, for Appellee.