

DISTRICT COURT OF APPEAL OF FLORIDA  
SECOND DISTRICT

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STATE OF FLORIDA,

Appellant,

v.

SHAQUILLE WILLIAMS,

Appellee.

No. 2D21-3755

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November 23, 2022

Appeal from the Circuit Court for Sarasota County; Rochelle Curley, Judge.

Ashley Moody, Attorney General, Tallahassee and Johnny T. Salgado, Assistant Attorney General, Tampa, for Appellant.

Howard L. Dimmig, II, Public Defender and Robert D. Rosen, Assistant Attorney General, Bartow, for Appellee.

KELLY, Judge.

In this appeal, the State challenges Shaquille Williams' judgment and sentence for fleeing or attempting to elude a law enforcement officer. Williams had entered a plea of no contest in

two cases. In case number 20CF-7723 he was charged with, among other things, fleeing or attempting to elude a law enforcement officer in violation of section 316.1935(2), Florida Statutes (2020). The trial court withheld adjudication of guilt when it sentenced Williams on this charge. The State argues, and Williams concedes, that this was error. Section 316.1935(6) states that "no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any violation of this section." We have previously held that section 316.1935(6) "expressly prohibits the court from withholding adjudication of guilt for any violation of section 316.1935." *State v. Rapson*, 282 So. 3d 1012, 1012 (Fla. 2d DCA 2019) (quoting *State v. Teague*, 275 So. 3d 828, 829 (Fla. 5th DCA 2019)). Accordingly, we reverse that portion of the sentencing order withholding adjudication of guilt for fleeing or attempting to elude a law enforcement officer and we remand this matter to the trial court for further proceedings. In all other respects, we affirm the sentencing order.

In case number 19CF-7872 Williams was charged with burglary of an unoccupied dwelling, possession of burglary tools, resisting or obstructing officer without violence, and loitering and

prowling. In this appeal, the State argues that the trial court improperly imposed a downward departure sentence on the burglary charge. As Williams correctly notes, the State did not appeal the judgment and sentence in case number 19CF-7872. Accordingly, the issue of the sentence imposed in that case is not before us.

Affirmed in part, reversed in part, and remanded.

KHOUZAM and ROTHSTEIN-YOUAKIM, JJ., Concur.

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Opinion subject to revision prior to official publication.