

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

STATE OF FLORIDA,)
)
 Appellant,)
)
 v.)
)
 HECTOR FERNANDEZ and VINCENTE)
 VELASQUEZ,)
)
 Appellees.)
 _____)

Case No. 2D11-1837

Opinion filed April 5, 2013.

Appeal from the Circuit Court for
Hillsborough County; Manuel Lopez, Judge.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Elba Caridad Martin-
Schomaker, Assistant Attorney General,
Tampa, for Appellant.

Howard L. Dimmig, II, Public Defender, and
Judith Ellis, Assistant Public Defender,
Bartow, for Appellees.

DAVIS, Judge.

The State challenges the trial court's order dismissing for lack of venue
charges of trafficking in cocaine and conspiracy to traffic in cocaine filed against
codefendants Hector Fernandez and Vincente Velasquez in circuit court case number

10-CF-18964.¹ We agree with the trial court that the State did not establish venue in Hillsborough County. However, "[a]s a general principle, a transfer, rather than dismissal, is the preferred remedy for improper venue." State v. Kotecki, 82 So. 3d 1150, 1152 (Fla. 2d DCA 2012). Therefore, as we did in State v. Cisneros, 106 So. 3d 42 (Fla. 2d DCA 2013), we reverse the dismissal of these charges and remand for transfer to a county of proper venue.

Reversed and remanded.

ALTENBERND and NORTHCUTT, JJ., Concur.

¹We note that the State seems to put forth on appeal arguments regarding RICO offenses charged in circuit court case number 07-CF-35763. These arguments are not properly before this court in the instant appeal because the order dismissing those charges was entered October 10, 2010, and the State never appealed that order.