

Third District Court of Appeal

State of Florida

Opinion filed October 26, 2016.
Not final until disposition of timely filed motion for rehearing.

No. 3D14-2853
Lower Tribunal No. 14-1793

Shericka Williams,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Robert J. Luck,
Judge.

Carlos J. Martinez, Public Defender, and Stephen J. Weinbaum, Assistant
Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Jonathan Tanoos, Assistant
Attorney General, for appellee.

Before SHEPHERD, ROTHENBERG and SCALES, JJ.

SHEPHERD, J.

The issue in this case is whether section 316.066(4) of the Florida Statutes (2012), which excludes from evidence in any civil or criminal trial statements made by a “person involved in an [automobile] crash . . . to a law enforcement officer for the purpose of completing a crash report[,]” confers any benefit on Shericka Williams, the appellant in this case, who fled the scene of an automobile crash that resulted in death. For the reasons discussed in State v. Ferguson, 405 So. 2d 294 (Fla. 4th DCA 1981) and Cummings v. State, 780 So. 2d 149 (Fla. 2d DCA 2001), which we acknowledge treated earlier versions of the same statutory scheme, we hold that the accident privilege in section 316.066(4) does not confer any benefit or privilege on a person who abandons her duty to remain at the scene of any automobile accident which results in death, and who chooses instead to leave the scene of an accident, contrary to section 316.027(1)(b) of the Florida Statutes (2013).

For this reason, we approve the decision of the trial court which correctly denied Williams’ dispositive motion to dismiss the statements made by her concerning the automobile crash in this case after she fled from the scene, and affirm the conviction and sentence for fleeing the scene of an accident.

Affirmed.