Third District Court of Appeal

State of Florida

Opinion filed July 17, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-1362
Lower Tribunal No. 18-0142

A.F., a juvenile,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, William Johnson, Senior Judge.

Carlos J. Martinez, Public Defender, and Deborah Prager, Assistant Public Defender, for appellant.

Ashley Moody, Attorney General, and Kayla Heather McNab, Assistant Attorney General, for appellee.

Before FERNANDEZ, SCALES, and LINDSEY, JJ.

PER CURIAM.

Appellant A.F., a 16 year old, appeals an adjudication of delinquency for trafficking in stolen property. At the hearing, it was undisputed that Appellant tried to sell two "fat tire" bicycles through OfferUp, a mobile marketplace where accountholders buy and sell various goods. The only disputed issue was whether Appellant knew the bicycles were stolen from the Virginia Key Outdoor Center several days earlier.

The trial court explicitly found Appellant's testimony not credible. When reaching this finding, the court specifically noted the contradictory nature of Appellant's testimony. We find no error and affirm. See State v. Graham, 238 So. 2d 618, 621 (Fla. 1970) ("Proof of possession should be coupled with evidence of unusual manner of acquisition, attempts at concealment, contradictory statements, the fact that the goods were being sold at less than their value, possession of other stolen property, or other incriminating evidence and circumstances."); Quinones v. State, 44 Fla. L. Weekly D1023 (Fla. 3d DCA April 24, 2019) ("[W]itness testimony established that both jewelry items were stored together and engraved with personalized markings. These factors, combined with Quinones's possession of both items, jointly, in close proximity to the time of the deprivation of ownership, and his demonstrated effort to dispose of the items through a second-hand market in which goods tend to be undervalued, were sufficient to allow the trier of fact to infer that Quinones knew or should have known the jewelry was stolen."); Morales v. State,

35 So. 3d 122, 125 (Fla. 3d DCA 2010) ("The defendant's reasonable hypothesis of innocence that the car belonged to a friend is refuted by the fact that he could not provide the name or address of the friend, and the owner of the vehicle testified that the vehicle had been missing for approximately three weeks after it had been stolen. Unless satisfactorily explained, proof of possession of recently stolen property gives rise to an inference that the person in possession of the property knew, or should have known, that it was stolen."); J.J. v. State, 463 So. 2d 1168, 1169 (Fla. 3d DCA 1984) ("[T]he trial court was more than justified in rejecting as unworthy of belief the juvenile's explanation herein that a friend identified only as 'Tim' gave him the moped in question earlier that day. The juvenile did not know the friend's last name or where the friend lived.").

Affirmed.