

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2023-3989
Lower Tribunal No. 2020-CF-007136-A-O

NELLIE MARIA AMBERT,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal from the Circuit Court for Orange County.
Diego M. Madrigal, III, Judge.

September 26, 2025

PER CURIAM.

Appellant Nellie Marie Ambert appeals her judgment and sentence for aggravated manslaughter of an elderly or disabled adult. She argues that the trial court erred by declining her request for a downward departure sentence. We determine that we have jurisdiction over the appeal. *See Gazoombi v. State*, 406 So. 3d 371, 375 (Fla. 1st DCA 2025) (en banc) (receding from *Wilson v. State*, 306 So. 3d 1267 (Fla. 1st DCA 2020), and *Parrish v. State*, 349 So. 3d 485 (Fla. 1st DCA 2022)), and holding that district courts of appeal have jurisdiction to review a trial

court's exercise of its discretion to deny downward departure sentence); *Fogarty v. State*, 158 So. 3d 669, 671 (Fla. 4th DCA 2014) (en banc); *Kiley v. State*, 273 So. 3d 193, 194 (Fla. 5th DCA 2019). However, we find no abuse of discretion in the trial court's denial of Appellant's request for a downward departure sentence. Accordingly, we affirm.

AFFIRMED.

TRAVER, C.J., and WHITE and MIZE, JJ., concur.

Blair Allen, Public Defender, and Andrea M. Norgard, Assistant Public Defender. Bartow, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Kaylee D. Tatman, Assistant Attorney General, Daytona Beach, for Appellee.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED