

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2024-0912

JAMEL DAQUAN JOHNSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Bay County.
Shonna Young Gay, Judge.

November 5, 2025

PER CURIAM.

Jamel Johnson challenges his conviction and sentence for fleeing to elude a law enforcement officer (high speed reckless) contrary to section 316.1935(3), Florida Statutes (2023), and driving without a valid driver's license contrary to section 322.03(1), Florida Statutes. He raises three arguments on appeal. We affirm his judgment and sentence but write to discuss his second argument: Whether the trial court erred in admitting the testimony that the car was traveling at 127 miles per hour in Jackson County, when the crime was charged in Bay County.

Following the theft of a vehicle in Bay County, several law enforcement officers engaged in pursuit in marked cars with lights and sirens activated. The chase did not end until the car driven

by Appellant crossed into Jackson County. Several officers testified about the chase being fast while in Bay County but not to the specific speed Appellant was driving. However, a trooper with Florida Highway Patrol was equipped with speed detection equipment and stationed in Jackson County about a mile from the Bay County line.

Defense counsel objected to the trooper's upcoming testimony, arguing that all the elements of the offense had to occur in Bay County. With the objection overruled, the trooper testified that the radar detected a speed of 127 miles per hour. On appeal, Appellant argues the trial court erred in admitting into evidence the trooper's testimony about Appellant's speed in Jackson County because it was not relevant to a crime charged in Bay County.

A trial court's decision on the admissibility of evidence is reviewed for abuse of discretion. *Hudson v. State*, 992 So. 2d 96, 107 (Fla. 2008). "However, a court's discretion is limited by the evidence code and applicable case law." *Bearden v. State*, 161 So. 3d 1257, 1263 (Fla. 2015) (citation omitted). Relevant evidence is evidence tending to prove or disprove a material fact. § 90.401, Fla. Stat. "In determining relevance, we look to the elements of the crime charged and whether the evidence tends to prove or disprove a material fact." *Johnson v. State*, 991 So. 2d 962, 966 (Fla. 4th DCA 2008).

Here, the trial court did not abuse its discretion. The fact that Appellant traveled at 127 mph was relevant because it proved the high-speed/wanton disregard element of the fleeing to elude charge. See § 90.401, Fla. Stat.; § 316.1935(3)(a), Fla. Stat.; Fla. Std. Jury Instr. (Crim.) 28.8. Contrary to what Appellant claims, the State did not have to prove that each element was committed in the same county. See § 910.05, Fla. Stat. ("If the acts constituting one offense are committed in two or more counties, the offender may be tried in any county in which any of the acts occurred."). There is no requirement that the commission of each element take place in the county in which the defendant is charged. *Id.*

AFFIRMED.

ROWE, BILBREY, and NORDBY, JJ., concur.

***Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.***

Jessica J. Yeary, Public Defender, and Danielle Jorden, Assistant
Public Defender, Tallahassee, for Appellant.

James Uthmeier, Attorney General, and Steven E. Woods,
Assistant Attorney General, Tallahassee, for Appellee.