

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JOHNNY R. WARD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2025-0770

[February 25, 2026]

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; William Loy Roby, Judge; L.T. Case No. 432018CF000772A.

Daniel Eisinger, Public Defender, and Sue-Ellen Kenny, Assistant Public Defender, West Palm Beach, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Anesha Worthy, Senior Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Johnny R. Ward appeals his convictions for driving with license suspended and leaving the scene of an accident with property damage.¹ We affirm the conviction for driving with a suspended license without further comment, but we reverse the conviction for leaving the scene of an accident with property damage and remand for entry of a judgment of acquittal.

While traveling on the Florida Turnpike, a civilian witness observed Ward's vehicle lose control, fishtail and go into the median of the highway before ending up in a ditch on the shoulder of the road. Neither the civilian witness, nor the troopers who responded to the accident scene, testified to any damage to the median or to any car other than Ward's. A required element of section 316.061(1), Florida Statutes (2018), is "damage to a

¹ The jury also found Ward guilty of a drug trafficking charge which is not challenged in this appeal. The court imposed two "time served" sentences on the driving convictions concurrent with a 30-year sentence on the trafficking count.

vehicle or other property which is driven or attended by any person[.]” No trial evidence supported this element of the crime. *See Colbert v. State*, 49 So. 3d 819, 822–23 (Fla. 4th DCA 2010); *C.T.T. v. State*, 249 So. 3d 1320, 1321–22 (Fla. 1st DCA 2018).

Affirmed in part, reversed in part and remanded.

KUNTZ, C.J., GROSS and GERBER, JJ., concur.

* * *

Not final until disposition of timely-filed motion for rehearing.