

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

Case No. 6D2023-3661
Lower Tribunal No. 22CF-005906

VICKI CAVINESS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal from the Circuit Court for Polk County.
Catherine L. Combee, Judge.

September 26, 2025

PER CURIAM.

Appellant Vicki Caviness appeals her judgment and sentence for first-degree arson. 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 error in the trial court's denial of Appellant's request for a downward departure sentence. Accordingly, we affirm.

AFFIRMED.

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

Blair Allen, Public Defender, and Stephania A. Valantasis, Assistant Public Defender, Bartow, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Jonathan P. Hurley, Senior Assistant Attorney General, Tampa, for Appellee.

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