

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2023-2201
LT Case No. 2022-CF-000737

STATE OF FLORIDA,

Appellant,

v.

JOSSELIN NICOLL PADILLA-
VALLADARES,

Appellee.

On appeal from the Circuit Court for Hernando County.
Daniel Merritt, Jr. Judge.

John M. Guard, Acting Attorney General, Jeffrey Paul DeSousa,
Chief Deputy Solicitor General, and Robert Scott Schenck,
Assistant Solicitor General, Office of the Attorney General,
Tallahassee, for Appellant.

Matthew J. Metz, Public Defender, and Joseph Chloupek,
Assistant Public Defender, Daytona Beach, for Appellee.

February 7, 2025

PER CURIAM.

The State of Florida appeals the trial court's order dismissing
human smuggling charges against Josselin Nicoll Padilla-

Valladares. See § 787.07(1), Fla. Stat. (2021). The State argues that the order is in error because “illegally entering” into the United States is a continuous act. We agree.

Our court’s binding decision in *State v. Yanes-Blanco*, 50 Fla. L. Weekly D212, D214 (Fla. 5th DCA Jan. 17, 2025) (“Their entry continued until they arrived at their destination”) is controlling in this case. We therefore reverse the order and remand for further proceedings.

REVERSED and REMANDED.

EISNAUGLE, BOATWRIGHT, and KILBANE, JJ., concur.

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