

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

TONY LEKENDRICK BOSTIC,

Appellant,

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

v.

CASE NO. 1D09-1390

STATE OF FLORIDA,

Appellee.

Opinion filed May 2, 2011.

An appeal from the Circuit Court for Gadsden County.
Kathleen F. Dekker, Judge.

Nancy A. Daniels, Public Defender, and Edgar Lee Elzie, Jr., Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Michael T. Kennett, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Tony Lekendrick Bostic appeals a judgment of conviction for three counts of
failure to register as a sex offender in violation of section 943.0435(14), Florida
Statutes (2006). Bostic argues that these multiple convictions for failure to report

as a sex offender result in double jeopardy. We do not agree. Appellant was obligated to report upon release from incarceration under section 943.0435(2) and on the month of his birth and every six months thereafter under section 943.0435(14). Even if failure to report is considered a continuing offense, see Lieble v. State, 933 So. 2d 119 (Fla. 5th DCA 2006), each failure to report constituted a new violation of the applicable reporting statute and a separate offense, not part of “one criminal episode or transaction.” § 775.021(4)(b), Fla. Stat. (2006); compare People v. Meeks, 123 Cal. App. 4th 695, 705-6, 20 Cal. Rptr. 3d 445, 452-53 (Cal. Ct. App. 2004) (explaining each failure to report on a sex offender’s birthday is a separate offense and the failure to punish an offender for each failure to report as required frustrates the purpose of the sex offender reporting law).

Accordingly, we affirm.

VAN NORTWICK, HAWKES, and MARSTILLER, JJ., CONCUR.