

**IN THE TENTH JUDICIAL CIRCUIT  
COURT FOR HARDEE, HIGHLANDS  
AND POLK COUNTY, FLORIDA**

**Case No. TT02-007439-XX**

**Appeal No.: FF-25**

**DIANNE FULLER,**

**Appellant,**

**v.**

**STATE OF FLORIDA,**

**Appellee.**

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**OPINION OF THE COURT**

This is an appeal from the county court of Polk County, Judge Mark Carpanini presiding. The Appellant, Dianne Fuller, was convicted of attaching an unassigned tag to her automobile, in violation of §320.261, Florida Statutes (2002). Appellant seeks review of the trial court's denial of her motion for judgment of acquittal. This Court has jurisdiction. Fla. R. App. P. 9.030(c). The ruling of the trial court is affirmed.

On November 12, 2002, Deputy Tim Strickland of the Polk County Sheriff's Department pulled over a vehicle for speeding. The Appellant was a passenger in the car though a Vehicle Identification Number check revealed that it was registered under her name. Furthermore, a check on the tag came back as not assigned to that vehicle and had been reported stolen. Appellant told the deputy that the vehicle had been sitting for over and year and that she needed a tag for it; however she did not admit to attaching the tag to the car.

Appellant argues that the trial court erred in denying her motion for judgment of acquittal since one of the elements of the crime of attaching an unassigned tag to a vehicle is that the person charged attached the tag to the vehicle. The directing of verdicts is within the sound discretion of the trial judge. Shea v. State, 167 So.2d 796 (Fla. 3d DCA 1965). If there is substantial evidence to support the verdict, the verdict should not be disturbed on appeal. Substantial evidence has been defined as "such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred." Cohen v. State, 99 So.2d 563, 564 (Fla. 1957). If there is not substantial error showing an abuse of discretion, the ruling of the trial court must be affirmed. Shea. Moreover, by moving for a judgment of acquittal, the defendant accepts as proved all facts in evidence and every conclusion favorable to the state. A motion for directed verdict of acquittal should not be granted unless it is apparent that no legally sufficient evidence has been submitted upon which a jury could convict. Brown v. State, 294 So.2d 128

(Fla. 3d DCA 1974). The evidence must be reviewed in a light most favorable to the State. Cochran v. State, 547 So.2d 928 (Fla. 1989); Lynch v. State, 293 So.2d 44, 45 (Fla. 1974).

Having reviewed the evidence in this case, the Court finds that there was competent substantial evidence to find that the Appellant knowingly attached the tag to her vehicle. Therefore, the trial court did not abuse its discretion in denying the appellant's motion for judgment of acquittal.

Accordingly, the ruling of the county court is AFFIRMED.

DONE and ORDERED April 8, 2004.

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**RONALD HERRING**, Chief Judge