

FLORIDA CASE LAW UPDATE 18-01

Case: Melvin v. State, 43 FLW D1037c (Fla. 4th DCA)

Date: May 9, 2018

Subject: Defendant was properly convicted of the felony offense of providing false information to law enforcement in a missing child investigation where the child was ultimately found to be deceased, even where the false statements did not contribute to the death

FACTS: In 2013, police interviewed Melvin regarding the disappearance of his former girlfriend's infant child, which had occurred in 2011. He made several false statements regarding the whereabouts of the infant, first stating that she was with a relative, and later that she had been dropped off at a fire station. He ultimately made truthful statements implicating the child's mother, and leading police to an area in the back yard of the home where the child's skeletal remains were recovered. Melvin was charged with three felony violations of Section 837.055(2), Florida Statutes. This statute provides that it is a first degree misdemeanor to knowingly and willfully provide false information with the intent to mislead or impede an officer who is conducting a missing person investigation or a felony criminal investigation. However, if the investigation involves a missing person who is a child age 16 or under, and the child suffers great bodily harm, permanent disability, permanent disfigurement, or death, the offense is elevated to a third degree felony. At trial, Melvin moved for dismissal, arguing that there was no nexus between the false information he provided to law enforcement and the child's death, since the child was already deceased when he made the statements. The trial court agreed with the state's argument that the statute contained no language requiring a causal connection, and denied the motion. Melvin appealed.

RULING: The Fourth District Court of Appeal affirmed the trial court, and held that Melvin's false statements to law enforcement satisfied the elements required to constitute felony violations under the statute.

DISCUSSION: The appellate court noted that the plain language of Section 837.055(2) requires only two elements: (1) knowingly and willfully giving false information to law enforcement during the investigation of a missing child age 16 or under; and (2) the child suffering great bodily harm, permanent disability, permanent disfigurement, or death. There is no element requiring that the false information cause or contribute to the listed conditions, or that the false statements were made before they occurred. In this case, the court held that the two elements were satisfied, and the trial court correctly declined to dismiss the charges.

COMMENTS: Note that the statute does not require that a subject be sworn as a prerequisite to a violation.

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Officers should consult with their agency legal advisors to confirm the interpretation provided in this Update and to determine to what extent the case discussed will affect their activities.