

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2011

ANTHONY DUANE CUMMINGS,

Appellant,

v.

Case No. 5D10-567

STATE OF FLORIDA,

Appellee.

Opinion filed May 20, 2011

Appeal from the Circuit Court
for Osceola County,
Jon B. Morgan, Judge.

James S. Purdy, Public Defender, and
Christopher S. Quarles, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kellie A. Nielan,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Appellant challenges his conviction based on an alleged speedy trial violation. He argues that his conviction was based on charges that arose from the same criminal episode as charges for which the speedy trial period had expired. We conclude that, although the charges all were related to illicit drugs, each involved distinct acts and distinct crimes. Therefore, they did not arise from the same criminal episode for speedy

trial purposes. See *State v. Banks*, 50 So. 3d 730 (Fla. 5th DCA 2010) (defendant's charges for dealing in stolen property and possession of firearm with altered serial number, though related to charge of burglary involving theft of firearms, not part of same criminal episode); *Clevenger v. State*, 967 So. 2d 1039, 1041 (Fla. 5th DCA 2007) ("Crimes are deemed to be part of the same criminal episode so as to trigger the running of the speedy trial period when they are based on substantially the same conduct, even though the conduct may give rise to different consequences."); *State v. Hanna*, 858 So. 2d 1248, 1250 (Fla. 5th DCA 2003) ("[W]hen different crimes are involved, they are not deemed a part of the same criminal episode unless they are based on substantially the same acts.").

AFFIRMED.

TORPY, LAWSON and COHEN, JJ., concur.