

# Supreme Court of Florida

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No. 80,863  
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STATE OF FLORIDA, Appellant,

vs.

BRYAN K. RICHARDS, Appellee.

**ORIGINAL**

[June 2, 1994]

SHAW, J.

The State of Florida appeals the decision of the district court of appeal in Richards v. State, 608 So. 2d 917 (Fla. 3d DCA 1992). The district court declared a state statute unconstitutional. Therefore, we have jurisdiction of the state's appeal. Art. V, § 3(b)(1), Fla. Const.

On the authority of our decision in State v. Stalder, 630 So. 2d 1072 (Fla. 1994), in which the issue presented here was decided, we reverse the decision of the district court of appeal and remand for further proceedings consistent with our opinion in Stalder.

It is so ordered.

GRIMES, C.J., and OVERTON, KOGAN and HARDING, JJ., and McDONALD, Senior Justice, concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

An Appeal from the District Court of Appeal - Statutory or  
Constitutional Invalidity

Third District - Case No. 90-2912

Robert A. Butterworth, Attorney General and Michael J. Neimand,  
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for Appellant

No appearance,

for Appellee