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IN THE SUPREME COURT OF THE STATE OF FLORIDA

JOAQUIN CASADO

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Case No. 83,627

JUN 16 1994

**FILED**  
SIN WHITE

CLERK SUPREME COURT  
BY \_\_\_\_\_  
Chief Deputy Clerk

ON DISCRETIONARY REVIEW FROM THE  
DISTRICT COURT OF APPEAL, FIFTH DISTRICT  
AND THE NINTH JUDICIAL CIRCUIT,  
ORANGE COUNTY, FLORIDA

RESPONDENT'S BRIEF ON THE MERITS

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SUMMARY OF ARGUMENT

This court recently rejected the sole issue raised in this case.

ARGUMENT

THE STATUTES PROHIBITING SEXUAL  
ACTIVITY WITH A CHILD ARE  
CONSTITUTIONAL DESPITE THE FACT  
THAT CONSENT IS NOT A DEFENSE.

Fifteen days before the petitioner's merits brief was filed, this court rejected the sole argument raised in this case. Jones v. State, 19 Fla. L. Weekly S 280 (Fla. May 26, 1994). While acknowledging this recent precedent, petitioner requests this court to reverse its unanimous decision. Respondent respectfully requests this honorable court to affirm this case without further delay.

CONCLUSION

Based upon the argument and authority presented, respondent respectfully requests this honorable court to affirm the judgment and sentence in all respects.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing BRIEF ON THE MERITS has been furnished, by delivery to Assistant Public Defender Brynn Newton counsel for petitioner at 112A Orange Avenue, Daytona Beach, FL 32114, this 13<sup>th</sup> day of June, 1994.

*Belle B. Turner*

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