

Supreme Court of Florida

ORIGINAL

No. 83,982

ROGER ANTHONY DANIELS, et al.,

Petitioners,

vs.

STATE OF FLORIDA,

Respondent.

[May 4, 1995]

SHAW, J.

We have for review State v. Daniels, 639 So. 2d 624 (Fla. 5th DCA 1994), wherein the district court relied on Bouters v. State, 634 So. 2d 246 (Fla. 5th DCA 1994), to reverse a trial court order finding Florida's stalking statute, § 784.048, Florida Statutes (Supp. 1992), unconstitutional. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const.

We recently reviewed Bouters and found the statute

constitutional. See Bouters v. State, No. 83,558 (Fla. Apr. 27, 1995). Accordingly, we approve the district court decision in Daniels.

It is so ordered.

GRIMES, C.J., and OVERTON, KOGAN, HARDING, WELLS and ANSTEAD, JJ., concur.

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

Application for Review of the Decision of the District Court of
Appeal - Direct Conflict of Decisions
Fifth District - Case Nos. 93-1723, 93-1724 & 93-1725

(Seminole County)

James B. Gibson, Public Defender and S.C. Van Voorhees, Assistant
Public Defender, Seventh Judicial Circuit, Daytona Beach,
Florida,

for Petitioners

Robert A. Butterworth, Attorney General and Michael J. Neimand,
Assistant Attorney General, Miami, Florida; and Parker D. Thomson
and Carol A. Licko, Special Assistant Attorneys General, Miami,
Florida,

for Respondent