

IN THE SUPREME COURT OF FLORIDA

CASE NO. 85,203

PATRICE RATCLIFFE,

Petitioner,

-vs-

THE STATE OF FLORIDA,

Respondent.

FILED

SID J. WHITE

MAY 26 1995

CLERK, SUPREME COURT

By B. J. White
Chief Deputy Clerk

ON PETITION FOR DISCRETIONARY REVIEW

RESPONDENT'S BRIEF ON THE MERITS

ROBERT A. BUTTERWORTH
Attorney General

MICHAEL J. NEIMAND
Assistant Attorney General
Florida Bar No. 0239437
Office of the Attorney General
Department of Legal Affairs
401 N.W. 2nd Avenue, Suite N921
Post Office Box 013241
Miami, Florida 33101
(305) 377-5441
Fax No. (305) 377-5655

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INTRODUCTION

The Petitioner, **PATRICE RATCLIFFE**, was the Appellant below. The Respondent, the **STATE OF FLORIDA**, was the Appellee below. The parties will be referred to as they stand before this Court. The symbol "A" will designate the Appendix to this brief.

STATEMENT OF THE CASE AND FACTS

The Respondent accepts the Petitioner's statement of the case and facts as a substantially accurate account of the proceedings below.

QUESTION PRESENTED

WHETHER SECTION 784.048, FLA. STAT. (1992) IS
UNCONSTITUTIONALLY OVERBROAD OR VAGUE.

SUMMARY OF THE ARGUMENT

This Court has upheld Florida's Stalking Statute in Bouters v. State, Case No. 83,558 (Fla. April 27, 1995) and there is no need to reverse it.

ARGUMENT

**SECTION 784.048, FLA. STAT. (1992) IS NOT
UNCONSTITUTIONALLY OVERBROAD AND/OR VAGUE.**

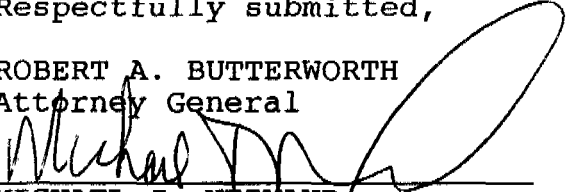
This Court, in Bouters v. State, Case No. 83,558 (Fla. April 27, 1995) has upheld the constitutionally offensive Stalking Statute against the same challenged as raised herein. Therefore, this Court should affirm the District Court's finding that the Statute possesses constitutional muster.

CONCLUSION

Based on the foregoing, Respondent requests this Court to affirm the District Court and hold that Section 784.04, Florida Statutes (1992) is constitutional.

Respectfully submitted,

ROBERT A. BUTTERWORTH
Attorney General



MICHAEL J. NEIMAND
Assistant Attorney General
Florida Bar No. 0239437
Office of the Attorney General
Department of Legal Affairs
401 N.W. 2nd Avenue, Suite N921
Post Office Box 013241
Miami, Florida 33101
(305) 377-5441
Fax No. (305) 377-5655

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing RESPONDENT'S BRIEF ON THE MERITS was furnished by mail to ALLYN GIAMBALVO, Attorney for Petitioner, Pinellas County Courthouse, 5100 144th Avenue North, Clearwater, Florida 34620 on this 21 day of May, 1995.



MICHAEL J. NEIMAND
Assistant Attorney General

mls/

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CASE NO. 85,203

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APPENDIX TO RESPONDENT'S BRIEF ON THE MERITS

ROBERT A. BUTTERWORTH
Attorney General

MICHAEL J. NEIMAND
Assistant Attorney General
Florida Bar No. 0239437
Office of the Attorney General
Department of Legal Affairs
401 N.W. 2nd Avenue, N-921
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Miami, Florida 33101
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Fax No. (305) 377-5655

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

PATRICE RATCLIFFE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

CASE NO. 93-04054

Opinion filed February 1, 1995.

Appeal from the Circuit Court
for Pinellas County, Claire K.
Luten, Judge.

James Marion Moorman, Public Defender,
Bartow, and Allyn Giambalvo, Assistant
Public Defender, Clearwater, for
Appellant.

Robert A. Butterworth, Attorney
General, Tallahassee, and Michael J.
Neimand, Assistant Attorney General,
Parker D. Thomson and Carol A. Licko,
Assistant Attorney Generals, Miami,
for Appellee.

PER CURIAM.

Affirmed. See State v. Tremmel, 644 So. 2d 102 (Fla.
2d DCA 1994).

PATTERSON, A.C.J., and BLUE and FULMER, JJ., Concur.