

Supreme Court of Florida

Nos. 87,105, 87,106
87,107, 87,108

STATE OF FLORIDA, Appellant,

vs.

THOMAS E. AYERS, Appellee,

STATE OF FLORIDA, Appellant,

vs.

COLLEEN TRAVERSA, Appellee,

STATE OF FLORIDA, Appellant,

vs.

KATHLEEN RUTH HAMMOND, Appellee,

STATE OF FLORIDA, Appellant,

vs.

ALMA E. MOULTON, Appellee,

[May 16, 1996]

PER CURIAM.

The State appeals the Second District Court of Appeal's decision in State v. Ayers, 665 So. 2d 296 (Fla. 2d DCA 1995).¹ In Ayers, the Second District relied on our prior decision in State v. Winters, 346 So. 2d 991 (Fla. 1977), to declare section 827.05, Florida Statutes (1993), unconstitutional. We have jurisdiction. Art. V, § 3(b)(1), Fla. Const.

Consistent with the Second District's decision, this Court recently concluded that section 827.05, as amended in 1977,² remains unconstitutionally vague under our prior decision in Winters. State v. Mincey, 21 Fla. L. Weekly S169 (Fla. April 18, 1996). Accordingly, we affirm.

It is so ordered.

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

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

¹ The four styled cases which were consolidated in the district court have been consolidated here.

² Ch. 77-429, § 2, at 1747, Laws of Fla. (amending § 827.05, Fla. Stat. (1975)).

FOUR CONSOLIDATED CASES:

CASE NO. 87,105

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

Second District - Case No. 94-03263
(Pinellas County)

CASE NO. 87,106

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

Second District - Case No. 94-03325
(Pinellas County)

CASE NO. 87,107

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

Second District - Case No. 95-01587
(Pinellas County)

Robert A. Butterworth, Attorney General; and Robert J. Krauss,
Senior Assistant Attorney General and Katherine V. Blanco,
Assistant Attorney General, Tampa, Florida,

for Appellant

James Marion Moorman, Public Defender and Brad Permar, Assistant
Public Defender, Tenth Judicial Circuit, Clearwater, Florida,

for Appellees

CASE NO. 87,108

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

Second District - Case No. 95-00778
(Pinellas County)

Robert A. Butterworth, Attorney General; and Robert J. Krauss,
Senior Assistant Attorney General and Helene S. Parnes, Assistant
Attorney General, Tampa, Florida,

for Appellant

Robert E. Jagger, Public Defender; and Jean M. Higham and Wayne
R. Coment, Assistant Public Defenders, Sixth Judicial Circuit,
Clearwater, Florida,

for Appellee