

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

STATE OF FLORIDA,

Appellant,

v.

Case No. 5D12-4793

MICHAEL LEE,

Appellee.

_____ /

Opinion filed January 24, 2014

Appeal from the Circuit Court
for Orange County,
Alan S. Apte, Judge.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kristen L. Davenport,
Assistant Attorney General, Daytona
Beach, for Appellant.

William R. Ponall, of Snure & Ponall, P.A.,
Winter Park and Matthew P. Ferry, of Law
Offices of Warren W. Lindsey, Winter
Park, for Appellee.

EVANDER, J.

The State appeals the trial court's order granting Michael Lee's motion to dismiss the amended information that charged him with attempting to solicit a minor for sexual activity using an electronic device or internet server,¹ and traveling to meet a minor for

¹ § 847.0135(3)(a), Fla. Stat. (2011).

unlawful sexual activity after first using an electronic device or internet service to attempt to solicit the minor.² We reverse.

The trial court granted Lee's dismissal motion based on Lee's argument that a defendant could not be convicted under the statute unless there was direct communication between the defendant and a child or person believed by the defendant to be a child. We recently rejected this argument in *State v. Wilson*, 39 Fla. L. Weekly D41 (Fla. 5th DCA 2013). For the reasons articulated in *Wilson*, we reverse the instant order, and remand for further proceedings consistent with this opinion.

REVERSED and REMANDED.

COHEN and WALLIS, JJ., concur.

² § 847.0135(4)(a), Fla. Stat. (2011).