

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

STATE OF FLORIDA,
Appellant,

v.

ZACHARY GARNER,
Appellee.

No. 4D06-3945

[September 12, 2007]

PER CURIAM.

Affirmed. See State v. Wells, No. 4D06-3425, (Fla. 4th DCA Sept. 12, 2007)(holding Florida Statutes section 316.191 (2005) facially unconstitutional).

GUNTHER, WARNER and GROSS, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Leonard Feiner, Judge; L.T. Case No. 06-5892 MM10A.

Bill McCollum, Attorney General, Tallahassee, and Katherine Y. McIntire, Assistant Attorney General, West Palm Beach, for appellant.

No brief filed for appellee.

Not final until disposition of timely filed motion for rehearing