

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

JANUARY TERM 2008

STATE OF FLORIDA,

Appellant,

v.

Case No. 5D07-1160

JOSEPHINE DEMERE,

Appellee.

Decision filed May 16, 2008

Appeal from the Circuit Court
for Orange County,
Bob Wattles, Judge.

Bill McCollum, Attorney General,
Tallahassee, and Rebecca Roark Wall,
Assistant Attorney General, Daytona
Beach, for Appellant.

Paula C. Coffman, Orlando, for Appellee.

PER CURIAM.

AFFIRMED.

GRIFFIN and ORFINGER, JJ., concur.
EVANDER, J., concurs specially, with opinion.

5D07-1160

EVANDER, J., concurring specially.

I would simply observe that when an attorney refuses to present any evidence at a pretrial hearing because he disagrees with the trial court's determination as to which party has the burden of proof, he does so at considerable risk.