

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

RICHARD RIGHTMIRE,

Appellant,

v.

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

CASE NO. 1D13-1314

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed August 26, 2014.

An appeal from the Circuit Court for Leon County.
James C. Hankinson, Judge.

Richard Rightmire, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Jay Kubica, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

In this appeal of the lower court's partial denial of appellant's motion to return seized property, the State properly concedes that it failed to present evidence that meets the standard for withholding seized property. See Stone v. State, 630 So. 2d 660, 661 (Fla. 2d DCA 1994) ("If, however, the state was unable to connect the

items to specific criminal activity . . . [the property] should be returned to [the movant] or to such person(s) as he may designate.”).

Finding no evidentiary basis for the denial of the motion, we REVERSE and REMAND for entry of an order granting the motion and returning the property to appellant’s designated representative.

WOLF, ROBERTS, and ROWE, JJ., CONCUR.