

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

STATE OF FLORIDA,)	
)	
Appellant,)	
)	
v.)	Case Nos. 2D03-5426
)	2D03-5480
DAWN M. GILBERT, JOHN PAUL)	2D04-809
STORY, DECARLO JOHNSON,)	
)	<u>CONSOLIDATED</u>
Appellees.)	
_____)	

Opinion filed September 3, 2004.

Appeals from the Circuit Court for Polk
County; Susan W. Roberts, Judge.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Susan D. Dunlevy,
Assistant Attorney General, Tampa, for
Appellant.

James Marion Moorman, Public Defender,
and Richard J. Sanders, Assistant Public
Defender, Bartow, for Appellees.

NORTHCUTT, Judge.

In three separate Polk County cases, Dawn Gilbert, John Paul Story, and
Decarlo Johnson were charged with failure to redeliver leased property, a third-degree
felony in violation of section 812.155, Florida Statutes (2002). The circuit court

dismissed each case based on the defense argument that the statute is a prohibited special law and therefore unconstitutional. The State timely appeals and argues that section 812.155 is not a prohibited special law and is, therefore, constitutional. In related cases, this court recently agreed with the State's position and held that the statute is constitutional. State v. Rose, 29 Fla. L. Weekly D1548 (Fla. 2d DCA June 30, 2004) (reversing dismissal of criminal charges). Based on Rose, we reverse the dismissal of criminal charges against Gilbert, Story, and Johnson.

Reversed and remanded.

SALCINES and COVINGTON, JJ., Concur.