

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed April 17, 2019.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D18-32  
Lower Tribunal No. 17-12913

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**The State of Florida,**  
Appellant,

vs.

**Nicholas Hodges,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Martin Zilber, Judge.

Ashley Moody, Attorney General, and Eric J. Eves and Michael W. Mervine, Assistant Attorneys General, for appellant.

Carlos J. Martinez, Public Defender, and Stephen J. Weinbaum, Assistant Public Defender, for appellee.

Before SALTER and FERNANDEZ, JJ., and LEBAN, Senior Judge.

LEBAN, Senior Judge.

Affirmed. See Dorelus v. State, 747 So. 2d 368, 371-73 (Fla. 1999) (affirming dismissal of information charging carrying concealed weapon where butt end of handgun that was sticking out of the console of defendant's vehicle was clearly visible to officer standing outside of vehicle); See also Quiroga v. State, 364 So. 2d 47 (Fla. 3d DCA 1978), *rev. dismissed*, 377 So. 2d 462 (Fla. 1979) (essential element of concealment is not established as a matter of law where firearm is partially visible).