

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2003

WILLIAM LOVETT,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-913
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 94-17832

Opinion filed July 9, 2003.

An Appeal from the Circuit Court for Miami-Dade County,
Victoria S. Sigler, Judge.

John Lipinski, for appellant.

Charles J. Crist, Jr., Attorney General, and Barbara A. Zappi
(Ft. Lauderdale), Assistant Attorney General, for appellee.

Before, COPE, GERSTEN and SHEVIN, JJ.

PER CURIAM.

Affirmed.

GERSTEN and SHEVIN, JJ., concur.

COPE, J. (concurring).

While initially skeptical, in the end I conclude that the outcome would not have been different if a voluntary intoxication defense had been offered.* The defendant's actions were so persistent and goal-directed that the jury inevitably would have concluded the defendant had formed the necessary specific intent.

*The crime date was 1994, so the defendant is in the group for which voluntary intoxication offers a defense to specific intent crimes. The defense has subsequently been repealed (with a narrow exception) for crimes committed on or after October 1, 1999. See § 775.051, Fla. Stat. (1999); ch. 99-174, §§ 1-2, Laws of Fla.