

# Third District Court of Appeal

State of Florida, July Term, A.D. 2011

Opinion filed November 2, 2011.

THIS OPINION IS NOT FINAL UNTIL DISPOSITION OF ANY FURTHER MOTION FOR REHEARING AND/OR MOTION FOR REHEARING EN BANC. ANY PREVIOUSLY-FILED MOTION FOR REHEARING EN BANC IS DEEMED MOOT.

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No. 3D10-1413

Lower Tribunal No. 10-1477

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**J.B., a juvenile,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Orlando A. Prescott, Judge.

Carlos J. Martinez, Public Defender, and Billie Jan Goldstein, Assistant Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Shayne R. Burnham, Assistant Attorney General, for appellee.

Before WELLS, C.J., and RAMIREZ, J., and SCHWARTZ, Senior Judge.

ON MOTION FOR REHEARING

PER CURIAM.

We grant the appellant's motion for rehearing, and substitute the following opinion for our original opinion.

J.B. appeals an adjudication of delinquency for battery because she contends the State did not prove the victim's lack of consent beyond a reasonable doubt. We affirm because the State presented sufficient evidence, through testimony from the officer who observed J.B.'s battery of the victim, to show the victim did not consent to J.B.'s battery.

Affirmed.