

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2023-3608
Lower Tribunal No. 2023-CF-003974-O

STATE OF FLORIDA,

Appellant,

v.

DEVON ALEXANDER MORGAN,

Appellee.

Appeal from the Circuit Court for Orange County.
Kevin B. Weiss, Judge.

August 22, 2025

PER CURIAM.

For the reasons stated in *State v. Herard*, 50 Fla. L. Weekly D1822 (Fla. 6th DCA Aug. 15, 2025), we reverse the trial court's dismissal of the Information in this case and remand for further proceedings consistent with our opinion in *Herard*.

REVERSED and REMANDED.

GANNAM, J., and LAMBERT, B.D., Associate Judge, concur.
WHITE, J., concurs in part, dissents in part, with opinion.

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

WHITE, J., concurring in part, dissenting in part.

I concur in part, dissent in part, for the reasons expressed in *State v. Herard*, 50 Fla. L. Weekly D1822 (Fla. 6th DCA Aug. 15, 2025) (White, J., concurring in part, dissenting in part), and would affirm the trial court's dismissal of the Information in this case.¹

James Uthmeier, Attorney General, Tallahassee, and Richard A. Pallas, Jr., Assistant Attorney General, Daytona Beach, for Appellant.

Blair Allen, Public Defender, and Maureen E. Surber, Assistant Public Defender, Bartow, for Appellee.

¹ Under the circumstances, I decline to adopt the majority opinion in *Herard*. See *Normandy Ins. Co. v. Bouayad*, 372 So. 3d 671, 695–99 (Fla. 1st DCA 2023) (Tanenbaum, J., concurring in the denial of rehearing en banc).