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IN THE DISTRICT COURT OF APPEAL OF FLORIDA

THIRD DISTRICT

CASE NO. 3D2025-0766

MATIAS SERGIO QUIROGA,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

ANSWER BRIEF OF APPELLEE

APPEAL FROM THE COUNTY COURT OF THE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR MIAMI-DADE COUNTY

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STATEMENT OF THE CASE AND FACTS

The State accepts the Appellant's statement of the case and facts as a substantially accurate account of the proceedings below, subject to the following supplementation:

Procedural History

Manuel Lopez, a Miccosukee Tribe Police Officer, arrested Quiroga for disorderly intoxication and resisting an officer without violence. (R. 13-14). The arrest affidavit indicated in error that these were violations of non-existent municipal ordinance sections 18-18 and 10-10.[1] Quiroga never moved to dismiss the charges before, during, or after trial.

After a jury trial, the jury returned a guilty verdict for disorderly intoxication and not guilty of resisting an officer without violence. (R. 53-54; 292).

Trial

On the evening in question, April Walker, the Security Captain at the Miccosukee Casino and Resort was called to the east lobby for a

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[1] The Miccosukee Tribe of Indians of Florida Criminal and Civil Code does list the offense of disorderly conduct in Title III, § 9.

customer complaint. (T. 127-28). She observed a man who later became known to her as Mr. Quiroga dressed in a bathrobe and pants. (T. 128). Mr. Quiroga was upset because he wanted to know why he could not charge (alcoholic) drinks to his room. (T. 129). Walker explained to him multiple times that there was a new policy that required payment of drinks with either cash or a credit card. (T. 130). This was after Quiroga was told by the food and beverage department that he could no longer charge drinks to his room, and they could not do anything about it. (T. 134).

The Security Captain had two interactions with Quiroga. When she advised him of the new policy, she explained that he was not understanding that and kept getting louder and louder. (T. 131). The following questioning ensued:

> [Prosecutor]: And when you say, "louder and louder," was he causing a scene?
>
> [Walker]: Yes, he was.

(R. 131).

During her interaction with Quiroga, he had slurred speech and smelled of alcohol. (R. 134, 139). Walker added that people were observing what was going on and were all looking in the direction of

the incident. (R. 132). Then, when Captain Walker and Officer Lopez were trying to calm him down, they re-explained the casino drink policy and told Quiroga to lower his voice. When told that he could go back to his room or leave, he did not like that and continued to get loud. (R. 133).

On cross-examination, Ms. Walker explained that her job is to maintain order at the casino on the gambling floor and she was worried that he could be interrupting patrons. (R. 136). Quiroga and Walker were standing near the slot machines. A café a little further down had several patrons. (R. 140). The concierge desk was also located close to the slot machines. (R. 140). Ultimately, Mr. Quiroga made her job more difficult because he was not cooperating with the answers they were giving him. (R. 142). He disrupted the flow of business by "being very loud and caus[ed] a scene," by the level of his voice. (R. 142-43).

Miccosukee Police Department Officer Lopez was on foot patrol of the resort when he met with Captain Walker. (R. 146). She stated there was a disturbance in the lobby. (R. 146). Officer Lopez observed Quiroga dressed in a bathrobe, a yellow hat and jeans. (R. 147). He was yelling obscenities and waving his arms around. (R. 147).

Management asked Officer Lopez and Captain Walker to intervene with the individual because he was causing a disturbance in the lobby. (R. 147). He observed Quiroga with bloodshot eyes, unable to maintain his balance, slurred speech, and very loud language. (R. 149). Quiroga was causing a lot of attention to himself disrupting the natural flow of the business. (R. 149).

Officer Lopez was called to the scene a second time to escort him off the property. (T. 153). The CCTV video was played during his testimony. (Ex. 1-USB). Quiroga was seen standing at the front desk and interfering with a male patron's ability to check into or out of the hotel. (Ex. 1: 11:54-11:58 a.m.) At 12:00 p.m. three hotel employees were gathered with Quiroga in the east lobby near the front desk. At 12:01p.m., several patrons were staring at Quiroga near the café. Next, Quiroga can be seen arguing with a bartender and then another patron at the cafe. (Ex 1; 12:04:12-12:07 p.m.). At 12:06 p.m., Quiroga returned to the cafe and argued with the wait staff while several patrons were waiting to place orders and left. At 12:09 p.m., Quiroga is seen standing near a GMC truck talking to three security personnel gesturing with his arms. Then Quiroga walked away. Two minutes later, three female Casino/hotel employees and Officer

Lopez talked to Quiroga. (Ex. 1; 12:11 p.m.). Officer Lopez instructed Quiroga that he could return to his room and continue drinking at a further date and time or he could leave the resort. (T. 153). In response, Quiroga said fuck you, I'm not leaving. (T. 154, 166). Quiroga was arrested in the lobby where there were 20-30 people in the lobby area and on the gaming floor. (T. 172). At 12:14 p.m., patrons playing on the slot machines stared at him while he was being arrested.

After the State rested its case, Quiroga moved for a judgment of acquittal on both counts. (R. 194-201). Tracking the elements of the disorderly intoxication statute (§ 856.011, Fla. Stat. (2022)), Quiroga's counsel argued that to prove the crime of disorderly intoxication, the State needed to prove that Mr. Quiroga was intoxicated, and he endangered the safety of others, or that Mr. Quiroga was intoxicated, or drank an alcoholic beverage in a public place, and that he caused a public disturbance. (R. 197). Mr. Quiroga argued that there was no evidence that a crowd was drawn by Mr. Quiroga's behavior, although the officer's testimony was that there were around 20 people in the casino. (R. 199). There was no crowd seen in the video and thus no public disturbance. (R. 199).

In response, the State argued that both testimony and the CCTV established that Mr. Quiroga smelled like alcohol, had slurred speech, and was acting belligerently by flailing his arms. (R. 202). He caused a public disturbance by both witnesses' testimony that Quiroga was affecting the flow of business. (R. 203).

Quiroga's counsel replied that the video showed that the patrons were playing on the slot machines, patrons are in the café and near the concierge. (R. 208-09). The only time anyone looked at Quiroga was when the officer took him to the ground while arresting him. (T. 209). The trial court denied the first motion for judgment of acquittal based on the standard that the evidence is to be taken in the light most favorable to the State. (R. 210). After a colloquy with Mr. Quiroga regarding his right to testify or remain silent, he declined to testify and the defense rested its case. (R. 211-13). The defense renewed its motion for judgment of acquittal on the same grounds, which was denied. (R. 212-20).

The parties then reviewed the jury instructions and made no objections to the instructions on disorderly intoxication. (R. 221-36). The judge instructed the jury that "the Defendant in this case, has been accused of a crime of disorderly intoxication, Municipal

Ordinance." (R. 266). To prove disorderly intoxication, the State must prove the following two elements beyond a reasonable doubt. "One, Matias Sergio Quiroga was intoxicated. And two. Matias Sergio Quiroga caused a public disturbance. (R. 266-67). In an hour and a half, which included time to watch the CCTV video, the jury reached a verdict. (R. 53; 285-292).

Post-Trial Motions

Mr. Quiroga timely filed a Motion for Post-Trial Judgment of Acquittal, or in the alternative, a New Trial and a Notice of Hearing. (R. 55-61). Quiroga argued that there was insufficient evidence that he caused a public disturbance to sustain the conviction for disorderly intoxication. (R. 57-59). The State filed a Response to Defendant's Motion for Post-Trial Judgment of Acquittal, or in the Alternative, a New Trial. (R. 62-67). Quiroga then filed an Amended Motion for Post-Trial Judgment of Acquittal, or, in the Alternative, A New Trial, adding a new argument that was not made below that the Miccosukee Casino & Resort was not a public place. (R. 68-69). After the State filed its Response, (R. 72), the trial court held a hearing on the motion and then denied it. (R. 300-346).

SUMMARY OF ARGUMENT

I. The trial court did not lack subject-matter jurisdiction over this case. This claim is being raised for the first time on appeal. Florida Statute § 285.16 provided the county court with jurisdiction over criminal offenses that occurred within Indian reservations. Although the arrest affidavit contained non-existent municipal ordinance references which the county court would not have jurisdiction over, all the statutory elements of disorderly intoxication and resisting an officer without violence were contained in the arrest affidavit which substituted as the information in this case. The State and the county court had the authority to prosecute Quiroga for a violation of section 856.011, Florida Statutes (2024).

Quiroga never objected to the technical defect in the charging document – the erroneous municipal ordinance subsection. With respect to untimely challenges to technical deficiencies in the information or indictment, Florida courts have consistently held that a defendant is not entitled to relief where the wrong or no statutory citation is given, but all elements of the crime are properly charged.

The jury was instructed on the applicable statutory elements of disorderly intoxication. Thus, he suffered no prejudice from the technical defect in the arrest affidavit which placed him on proper notice of the crime with which he was charged.

II. There was substantial competent evidence to support the conviction for disorderly intoxication by causing a public disturbance. This case involved more than just a belligerent defendant using profanity and flailing his arms. Both the security captain and the arresting officer testified that Quiroga appeared intoxicated and was disrupting the flow of business with patrons at the hotel lobby, the café, and the casino. The CCTV video confirmed that there were multiple times when other patrons were staring at Quiroga with the security guards and the officer; at least one time a customer walked away from the front desk; Quiroga had a verbal argument with the café employees, the bartender, and another hotel guest. Thus, the judgment and sentence should be affirmed.

ARGUMENT

I. THE TRIAL COURT DID NOT LACK SUBJECT MATTER OVER THIS CASE SIMPLY BECAUSE THE ARREST AFFIDAVIT DID NOT CITE FLORIDA STATUTE § 856.011. (Restated).

Standard of Review

Preservation

The current argument has not been adequately preserved for appellate review. "In order to be preserved for further review by a higher court, an issue must be presented to the lower court and the specific legal argument or ground to be argued on appeal or review must be part of that presentation if it is to be considered preserved." *Tillman v. State*, 471 So. 2d 32, 35 (Fla. 1985). Defense counsel did not preserve this argument and failed to object at any time in the trial court that the arrest affidavit and Notice to Appear were technically defective because the criminal laws of Florida govern criminal prosecutions which occur on Indian land.

Burden of Persuasion and Presumption of Correctness

Judgments are presumed correct, and Appellant carries the burden of persuasion on appeal. *Savage v. State*, 156 So. 2d 566, 568 (Fla. 1st DCA 1963); § 924.051(7), Fla. Stat. The trial court's

decision is presumed correct, and in support of that decision, the "appellee can present any argument supported by the record even if not expressly asserted in the lower court." *Dade Cnty. Sch. Bd. v. Radio Station WQBA*, 731 So. 2d 638, 645 (Fla. 1999). "A trial court's ruling should be upheld if there is any legal basis in the record which supports the judgment." *State v. Hankerson*, 65 So. 3d 502, 505 (Fla. 2011).

Merits

> A. In accordance with Florida Statute § 285.16, Florida has assumed jurisdiction over criminal offenses within Indian reservations.

Quiroga argues that because the arrest affidavit does not clearly allege that he violated a Miami-Dade County Ordinance prohibiting disorderly intoxication or any other law, and because state courts lack jurisdiction over a violation of a Miami-Dade County Ordinance when a crime occurs on Miccosukee tribal land, the trial court lacked subject matter jurisdiction over this case. The State respectfully disagrees as the Miami-Dade County Ordinance on disorderly intoxication is not applicable here.

Quiroga generally acknowledged that the United States authorized the states to exercise jurisdiction by legislative enactment

over civil and criminal offenses committed by or against Indians or other persons within Indian reservations but there is no similar grant of jurisdiction to municipalities. *See* Act of August 15, 1953, No. 280, § 7, 67 Stat. 588, 590 (1953). This Act, also known as Public Law 280, gave the states the ability to assume jurisdiction over criminal and civil offenses occurring on "Indian country" by amending Titles 18 and 28 of the United States Code.

The State agrees that Florida has, by statute, assumed jurisdiction over criminal offenses committed by or against Indians or other persons within Indian reservations under the authority of section 285.16, Florida Statutes. *See Hall v. State*, 762 So. 2d 936, 937-98 (Fla. 2d DCA 2000) (State had jurisdiction over prosecution for vehicular homicide which occurred on federally owned road running through Indian reservation); 29 Fla. Jur. 2d Indians § 10 Sept. 2025 Civil and criminal jurisdiction, generally. For example, as the court in *Serian v. State*, 588 So. 2d 251, 252-53 (Fla. 4th DCA 1991) held the statute prohibiting practicing optometry without a license is criminal/prohibitory in nature and therefore can be enforced even if the offense takes place on an Indian reservation. As Quiroga noted in his brief, section 285.16 of the Florida Statutes

provides, "[t]he civil and criminal laws of Florida shall obtain on all Indian reservations in this state and shall be enforced in the same manner as elsewhere throughout the state."

But given Quiroga's failure to object to the charging document and the court's subject matter jurisdiction at any time, this jurisdictional challenge has been waived. Here, the charging document, the arrest affidavit, substantially complied with the statutory elements for disorderly conduct under section 856.011, Florida Statutes.

Quiroga cites *Izquierdo v. State,* 890 So. 2d 1263, 1265 (Fla. 5th DCA 2005), for the proposition that the trial court's subject matter jurisdiction could not be conferred by waiver. The facts in *Izquierdo are distinguishable.* There, the circuit court convicted the defendant of aggravated assault, a third-degree felony, and one count of misdemeanor battery which was unrelated to the felony charge having occurred on different dates and involving different victims. *Id.* at 1264-65. The subject matter jurisdiction was controlled by Article V, section 20(c) of the Florida Constitution which provides:

> (c)(3) Circuit courts shall have jurisdiction … of all felonies and of all misdemeanors **arising out of the same circumstances as a felony which is also charged.…**

> (4) County courts shall have original jurisdiction in all criminal misdemeanor cases not cognizable by the circuit courts….

Art. V, § 20(c)(3)-(4), Fla. Const. *See also* §§ 26.012(2)(d) and 34.01(1)(a), Fla. Stat. (2003).

Thus, in *Izquierdo,* the circuit court lacked jurisdiction to adjudicate the charge of misdemeanor battery where the misdemeanor did not arise out of the same circumstances as the felony. The Court concluded that subject matter jurisdiction over the misdemeanor could not be conferred upon the circuit court by waiver or consent. *Id.* at 1266.

Unlike *Izquierdo,* here, the county court had original jurisdiction (a) in all misdemeanor cases not cognizable by the circuit courts, and (b) of all violations of municipal and county ordinances. § 34.01, Fla. Stat. (2024); *See also* Fla. Const. art. 5, §6(b). As a result, the county court had jurisdiction over the disorderly intoxication misdemeanor offense.

> B. The arrest affidavit substantially complied with the statutory elements of disorderly conduct and resisting an officer with violence and did not mislead Quiroga.

Thus, the issue here is not in fact a lack of subject matter jurisdiction, but a deficiency in the charging document. As a general

rule, "due process is violated when an individual is convicted of a crime not charged in the charging instrument." *Castillo v. State,* 929 So. 2d 1180, 1181 (Fla. 4th DCA 2006) (citation omitted). But "technical deficiencies in a charging instrument are waived if the defendant does not raise them before the state rests its case." *Id.* (citing *McMillan v.* State, 832 So. 2d 946, 948 (Fla. 5th DCA 2002)). The determinative questions are whether the charging document included every element of the offense and whether it misled the defendant. *McMillan*, 832 So. 2d at 948.

With respect to *untimely* challenges to technical deficiencies in the information or indictment, Florida courts have consistently held that a defendant is not entitled to relief: "'(1) where a statutory citation for the crime is given, but all elements are not properly charged, or (2) where the wrong or no statutory citation is given, but all elements of the crime are properly charged.'" *Id.* (quoting *State v. Burnette*, 881 So. 2d 693, 695 (Fla. 1st DCA 2004) and also citing *Cuevas v. State*, 770 So. 2d 703, 705 (Fla. 4th DCA 2000)).

For example in *Morales v. State*, 785 So. 2d 612 (Fla. 3d DCA), *review dismissed,* 800 So. 2d 615 (Fla. 2001) this court found no fundamental error and that defendant was not prejudiced by the

information which cited to the wrong statute where the language in the information placed him on proper notice of the crime with which he was being charged. Likewise, in *T.S. v. State*, 808 So. 2d 1276 (Fla. 4th DCA 2002) a minor, who was convicted of assaulting a school board employee under a superseded version of the assault statute was not found guilty of a non-existent crime. The petition alleged facts constituting a crime, and the error could have been cured if it had been raised in the trial court. *See also State v. Witcher*, 737 So. 2d 584 (Fla. 1st DCA 1999) (traffic citation contained all the elements necessary to charge misdemeanor driving under the influence; fact that traffic citation for careless driving also suggested a felony charge by referencing "serious bodily injury to another" simply subjected the citation to dismissal upon motion filed for legally insufficiency or amendment; it did not render the citation void so that the county court was divested entirely of all jurisdiction); *Mosely v. State,* 7 So. 3d 550 (Fla. 5th DCA 2009) (Defendant suffered no prejudice which would warrant postconviction relief based on claim that information, charging him with interfering with child custody, referred to wrong statutory subsection).

If, for example, as here, the State charged an incorrect statute number in the Information or charging document, although a defendant could move to dismiss the Information under Florida Rule of Criminal Procedure 3.190(b), any motion would be limited by the terms of rule 3.140(m) which provides:

> (o). Defects and Variances. No indictment or information, or any count thereof, shall be dismissed or judgment arrested, or new trial granted on account of any defect in the form of the indictment or information or misjoinder of offenses or for any cause whatsoever, unless the court shall be of the opinion that the indictment or information is so vague, indistinct, and indefinite as to mislead the accused and embarrass him or her in the preparation of a defense or expose the accused after conviction or acquittal to substantial danger of a new prosecution for the same offense.

Fla. R. Crim. P. 3.140(m).

In this case, the arresting officer included the wrong section of a municipal code (presumably the Miccosukee Tribe of Indians of Florida Criminal and Civil Code) in the arrest affidavit. Yet the body of the arrest affidavit contained all the statutory elements of disorderly intoxication and resisting arrest without violence. (R. 13-14). The arrest affidavit alleged in pertinent part:

> Upon arrival, contact was made with Miccosukee Security Captain Ms. April Walker. Captain Walker advised that a male patron was requesting to purchase alcohol, but the

> establishment refused to do so. I contacted the male later identified by his Florida driver's license as Mr. Mateo Sergio Quiroga.
> Mr. Quiroga was yelling at staff, waving and flailing his arms toward staff disrupting the natural flow of the business. Mr. Quiroga had a strong odor of alcoholic beverages emanating from his breath and wasn't able to maintain his balance....

(R. 13-14).

Quiroga never objected to the technical defect in the charging document- the erroneous municipal ordinance number-, and it was never amended. The jury was instructed on the applicable statutory elements of disorderly intoxication corresponding to Florida Statute § 856.011 that 1) Quiroga was intoxicated; and 2) he caused a public disturbance along with the definition of intoxication. (R. 266-67); Fla. Std. Jury Instr. (Crim.) 29.1. Quiroga defended the case primarily by arguing that he did not cause a public disturbance. As a result, he suffered no prejudice from the technical defect in the arrest affidavit where the language in the arrest affidavit placed him on proper notice of the crime with which he was charged. *See Morales,* 785 So. 2d at 612.

II. THERE WAS SUBSTANTIAL, COMPETENT EVIDENCE PRESENTED TO SUPPORT THE CONVICTION FOR DISORDERLY INTOXICATION.

To sustain a conviction on appeal, the appellate court must determine whether the State presented "competent, substantial evidence to support the verdict." *Bush v. State*, 295 So. 3d 179, 200 (Fla. 2020). The appellate court must "view the evidence in the light most favorable to the State and, maintaining this perspective, ask whether a rational trier of fact could have found the existence of the elements of the crime beyond a reasonable doubt." *Id.* (internal quotations and citations omitted). The appellate court reviews the denial of a motion for judgment of acquittal *de novo. Pagan v. State,* 830 So. 2d 792, 803 (Fla. 2002).

"[U]nder the plain language of the statute, 'disorderly intoxication' is defined and proscribed in two distinct ways: (1) when the person is intoxicated and endangers the safety of another person or property; and (2) where the person is intoxicated or drinks alcohol in a public place or on a public conveyance and causes a public disturbance." *Royster v. State,* 643 So. 2d 61, 64 (Fla. 1st DCA 1994).

The elements to prove disorderly intoxication applicable to this case are (1) Quiroga was intoxicated; and (2) Quiroga caused a public disturbance. § 856.011, Fla. Stat. (2022). While the jury instructions

define intoxication, there is no clear-cut definition for "public disturbance." *See* Fla. Std. Jury Instr. (Crim.) 29.1.

Quiroga argues the facts in this case are nearly identical to the facts in *Palancar v. State,* 204 So. 3d 473, 474 (Fla. 4th DCA 2016) and *Blake v. State,* 433 So. 2d 611, 612 (Fla. 1st DCA 1983). These cases are distinguishable.

In *Palancar*, the defendant, who was on probation, was intoxicated and pulled into a restaurant parking lot and almost hit an off-duty police officer. *Id.* at 474. About ten minutes later, Palancar left the restaurant and walked toward his truck. *Id.* A restaurant employee approached the officer and told him "they couldn't serve him and his girlfriend … because they were too intoxicated." *Id.* The manager and employees wanted the officer to intervene because Palancar was getting ready to drive drunk. *Id.*

Officer Serralta approached the truck and observed Palancar arguing with the woman. At that time, there were about three or four people "hanging out just south" of where Palancar was standing. *Id.* The officer smelled alcohol on Palancar's breath and told him that he could not drive. Palancar became "a little loud" and was "causing a commotion," leading the officer to direct him to step aside, step back,

and to calm down and be quiet. *Id.* Officer Serralta was familiar with Palancar from previous encounters and he spoke loudly. When he told Palancar that he would have to take a taxi, Palancar became "belligerent" and threatened "to sue us and that type of stuff." *Id.* Based on this testimony, the court concluded that Palancar's belligerent behavior toward the officer is not, standing alone, sufficient to establish that he was causing a public disturbance. *Id.* at 475 citing *Jernigan v. State,* 566 So. 2d 39, 40 (Fla. 1st DCA 1999) (holding that appellant's use of profanity and aggressive behavior did not amount to disorderly intoxication).

The facts in *Blake* are like those in *Palancar.* The charges of disorderly intoxication, resisting arrest without violence, and escape resulted from a server's call from a Burger Hut restaurant to the sheriff's department after Blake and a woman with him caused concern at the restaurant. Two deputies investigated the call. Upon being confronted by the deputies, Blake, who was holding a beer can and smelled strongly of alcohol, began flapping his arms and said why was he always getting picked on. The deputies arrested Blake based on "past history of Mr. Blake and the actions he was taking in the officer's presence. The First District concluded that the evidence

that Blake was talking loudly, using profanity, and causing "sort of a little disturbance," was insufficient to establish a public disturbance.

In *DeSantis v. Dream Defenders*, 389 So. 3d 413, 422 (Fla. 2024) which addressed a new anti-riot statute with the phrase "violent public disturbance," the Court explained that "[we have held that a person "loudly and profanely" yelling at a police officer, to the point that "[s]everal persons were drawn to the scene," created a "public disturbance" under Florida's disorderly intoxication statute. *Cross v. State,* 374 So. 2d 519, 520-21 (Fla. 1979) (citing § 856.011(1), Fla. Stat. (1975)).

In this case the State presented more than just Quiroga's use of profanity and belligerent behavior towards a police officer. After Quiroga initially requested to charge drinks to his room by the food and beverage staff, Security Captain Walker was called to the east lobby for a customer complaint. Quiroga and Walker were standing near the slot machines and a café a little further down with patrons. The concierge desk was also close to the slot machines. Ultimately, Mr. Quiroga was not cooperating with the answers they were giving him. People were observing what was going on and they were all looking in the direction of the incident. (R. 132). He disrupted the

flow of business and was very loud and caused a scene. The video showed patrons of the Miccosukee Casino and Resort walking away from the concierge desk while Security Captain Walker and others were talking to Quiroga. (Ex. 1 11:57-11:58 a.m.). Officer Lopez added that when he told Quiroga he could return to his room or he could leave the resort, Quiroga used profanities and said, "I'm not leaving." (R. 154, 172). Three managers were present. (R. 158). Officer Lopez told him he was under arrest in the lobby area while twenty to thirty people were in the lobby and on the gaming floor. (R. 172). Thus, in addition to Quiroga loudly and profanely yelling at security and a police officer, three managers were disrupted from their typical duties, and multiple hotel and casino patrons were looking at the commotion that Mr. Quiroga caused because of his refusal to accept the hotel policy that he needed to pay for drinks with cash or a credit card. Thus, there was sufficient evidence to support the conviction for disorderly intoxication.

CONCLUSION

For these reasons, the State respectfully requests this Honorable Court affirm the lower court's judgment and sentence.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing – *Appellee, the State of Florida's Answer Brief* – was served by the portal to counsel for the Appellant, Amy Weber, Office of the Public Defender, 1320 NW 14th Street, Miami, Florida 33125 at alw@pdmiami.com and AppellateDefender@pdmiami.com on December 5, 2025.

/s/ Ivy R. Ginsberg
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CERTIFICATE OF COMPLIANCE

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/s/ Ivy R. Ginsberg
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