

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR ORANGE COUNTY, FLORIDA

CASE NO: 2010-AP-53  
Lower Court Case No: 2010-MM-1032

**STATE OF FLORIDA,**

Appellant,

vs.

**JORGE NAVARRO,**

Appellee.

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Appeal from the County Court,  
for Orange County, Florida,  
Deborah B. Ansbro, County Court Judge

Lawson Lamar, State Attorney and  
David H. Margolis, Assistant State Attorney  
for Appellant

No Appearance for Appellee

Before POWELL, LAUTEN, and O'KANE, J.J.

**PER CURIAM.**

**FINAL ORDER REVERSING TRIAL COURT**

Appellee was charged by information with the misdemeanor of Unlawful Contracting. He filed a motion to dismiss prior to trial based on Florida Rule of Criminal Procedure 3.190(c)(4). The State filed a verified traverse which denied the material facts alleged in the motion and specifically alleged facts, which if proven, would constitute prima facie the crime charged. The State's traverse, although like the motion was not a model pleading, was sufficient to defeat the motion. We find it unnecessary to set forth the allegations of the motion and

traverse. The order granting the motion was error. *See State v. Yarn*, 63 So. 3d 82 (Fla. 2d DCA 2011).

**REVERSED and REMANDED for further proceedings.**

**DONE AND ORDERED** at Orlando, Florida this 10th day of December, 2012.

/S/  
**ROM W. POWELL**  
Senior Judge

/S/  
**FREDERICK J. LAUTEN**  
Circuit Judge

/S/  
**JULIE H. O'KANE**  
Circuit Judge

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the foregoing order was furnished to **Mark S. Lippman, Esq.**, 225 S. Orange Avenue, Ste. 970, Orlando, Florida 32801; **Jorge Navarro**, 4162 Brookmyra Drive, Orlando, Florida 32837; **Dugald McMillan, Assistant State Attorney**, 415 N. Orange Avenue, Ste. 200, Orlando, Florida 32802-1673; and **Honorable Deborah B. Ansbro**, 425 N. Orange Avenue, Orlando, Florida 32801, by mail, this 11th day of December, 2012.

/S/  
Judicial Assistant