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Smith Vs. Florida

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Court : US Supreme Court

Decided On : Feb-24-1972

Appeal No. : 405 U.S. 172

Appellant : Smith

Respondent : Florida

Judgement :

Smith v. Florida - 405 U.S. 172 (1972)
U.S. Supreme Court Smith v. Florida, 405 U.S. 172 (1972)

Smith v. Florida

No. 70-5055

Argued December 8, 1971

Decided February 24, 1972

405 U.S. 172

CERTIORARI TO THE SUPREME COURT OF FLORIDA

SYLLABUS

Petitioners' convictions for violation of the Florida vagrancy statute for "wandering or strolling around from place to place without any lawful purpose or object" are vacated and the case is remanded for reconsideration in light of *Papachristou v. City of Jacksonville, ante,* p. 405 U. S. 156 . Pp. 405 U. S. 172 -173.

239 So.2d 250 vacated and remanded.

DOUGLAS, J., delivered the opinion of the Court, in which all Justices joined, except POWELL and REHNQUIST, JJ., who took no part in the consideration or decision of the case.

MR. JUSTICE DOUGLAS delivered the opinion of the Court.

Florida's vagrancy statute [Footnote 1] includes in the term "vagrants," who can be criminally charged and convicted, "persons wandering or strolling around from place to place without any lawful purpose or object." [Footnote 2] The defendants were so charged and pleaded not guilty, waived trial by jury, and were tried by a judge, who denied a motion to dismiss. The Florida Supreme Court affirmed, two judges dissenting. 239 So.2d 250. The

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case is here on a petition for a writ of certiorari which we granted. 403 U.S. 917.

We have this day decided *Papachristou v. City of Jacksonville, ante,* p. 405 U. S. 156 . We therefore vacate and remand the judgment in the instant case for reconsideration in light of *Papachristou.*

So ordered.

MR. JUSTICE POWELL and MR. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

[Footnote 1]

Fla.Stat. 856.02 (1965). *See Papachristou v. City of Jacksonville,* decided this day, *ante* at 405 U. S. 157 n. 2.

[Footnote 2]

856.02.

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