

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2025-1484
LT Case No. 2024-CF-004645-A

STATE OF FLORIDA,

Appellant,

v.

STEVEN RAY GUNTER,

Appellee.

On appeal from the Circuit Court for Marion County.
Barbara Kissner, Judge.

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

Matthew J. Metz, Public Defender, and Ali L. Hansen, Assistant Public Defender, Daytona Beach, for Appellee.

October 16, 2026

PER CURIAM.

In late 2024, Steven Ray Gunter was charged with possessing a driver license upon which the required “Sexual Predator” designation had been altered. In January 2025, this Court issued a divided panel opinion in *Crist v. State*, 430 So. 3d 211 (Fla. 5th

DCA 2025) (*Crist I*), holding that the Sexual Predator designation “is impermissibly compelled speech under the prevailing judicial test.” *Id.* at 222.

On March 27, 2025, Gunter moved to dismiss his case in the trial court, citing to *Crist I*. The State contended, among other arguments, that the mandate had not yet issued and this Court was rehearing *Crist I* en banc. After a hearing, the trial court granted the motion to dismiss on May 13, 2025, finding the *Crist I* decision controlling. The State then appealed to this Court a week later.

While the State’s appeal was pending in this Court, the en banc decision was issued. *See Crist v. State*, 419 So. 3d 183 (Fla. 5th DCA 2025) (*Crist II*). In *Crist II*, this Court rejected Crist’s First Amendment challenge and held that the designation on the driver license does not compel speech. *Id.* at 197–98.

Crist then sought review in the Florida Supreme Court. In his appellate brief, Gunter acknowledged that his case is a “pipeline case” and that this Court should await the determination of whether the supreme court accepts jurisdiction before reversing the trial court’s dismissal order. Thereafter, the Florida Supreme Court declined jurisdiction thereby ending the matter in the Florida judicial system. Crist’s petition for certiorari to the United States Supreme Court was denied on October 5, 2026, thereby ending the matter conclusively. *See Crist v. Florida*, No. 25-7426, 2026 WL 2976473 (Oct. 5, 2026).

Because this case is a “pipeline case,” the trial court’s order granting the motion to dismiss, which relied on *Crist I*, is reversed in light of *Crist II*, and the matter is remanded to the trial court for further proceedings. *See Reed v. State*, 565 So. 2d 708, 709 (Fla. 5th DCA 1990) (“A ‘pipeline case’ is one in which a conviction is not final by trial or appeal at the time a controlling decision is issued by the supreme court. The appellate process is not completed until the mandate is issued.”(citation omitted)).

REVERSED and REMANDED with instructions.

MAKAR, HARRIS, and MACIVER, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*
