

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JANUARY TERM 2012

THOMAS E. BROWN,  
Appellant,

v.

Case No. 5D11-864

STATE OF FLORIDA,  
Appellee.

\_\_\_\_\_ /

Opinion filed May 25, 2012

Appeal from the Circuit Court  
for Osceola County,  
Emerson R. Thompson, Jr., Senior Judge.

James S. Purdy, Public Defender, and  
Leonard R. Ross, Assistant Public  
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Douglas T. Squire,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Thomas Brown appeals from a jury verdict finding him a sexually violent predator pursuant to the Jimmy Ryce Act<sup>1</sup> and involuntarily committing him. He specifically challenges the trial court's finding of competency and the constitutionality of the Jimmy Ryce Act.

\_\_\_\_\_  
<sup>1</sup> § 394.910, et seq., Fla. Stat. (2008).

The trial court heard divergent expert opinions concerning Brown's competency to proceed to trial and made a determination that the State's expert was more credible. On appeal, it is not the function of this Court to substitute our judgment for that of the trial court. State v. Wilford, 720 So. 2d 617, 618-19 (Fla. 5th DCA 1998). Additionally, we reject Brown's challenge to the Jimmy Ryce Act. See Westerheide v. State, 831 So. 2d 93 (Fla. 2002).

AFFIRMED.

SAWAYA, COHEN and JACOBUS, JJ., concur.