

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

KENTON BLAKE,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D10-5124

STATE OF FLORIDA,

Appellee.

/

Opinion filed May 27, 2011.

An appeal from the Circuit Court for Lafayette County.
David W. Fina, Judge.

Nancy A. Daniels, Public Defender, and Joel Arnold, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Donna A. Gerace, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Upon the State's proper concession of error, we reverse the revocation of Appellant's probation and resulting sentence. The State presented insufficient

evidence below that Appellant committed the new law violation of resisting an officer without violence. See Harris v. State, 647 So. 2d 206, 208 (Fla. 1st DCA 1994). Accordingly, we REVERSE the revocation of Appellant's probation and REMAND for reinstatement of probation.

VAN NORTWICK, WETHERELL, and ROWE, JJ., CONCUR.