

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

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

THOMAS R. FIELDING,

Appellant,

v.

Case No. 5D13-2371

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 26, 2014

Appeal from the Circuit Court
for Hernando County,
Stephen E. Toner, Jr., Judge.

James S. Purdy, Public Defender, and
Robert E. Wildridge, 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.

We reverse and remand this cause with instructions that the trial court conduct a trial pursuant to section 394.918(3) & (4), Florida Statutes (2013). *Spivey v. State*, 100 So. 3d 1254, 1257 (Fla. 5th DCA 2012).

REVERSED AND REMANDED.

TORPY, C.J., ORFINGER and EVANDER, JJ., concur.