

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

JANUARY TERM 2011

STATE OF FLORIDA,

Appellant,

v.

Case No. 5D10-3387

BRANDON LAMAR CULVER,

Appellee.

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Opinion filed June 17, 2011

Appeal from the Circuit Court
for Orange County,
John H. Adams, Sr., Judge.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellant.

F. Wesley Blankner, Jr., of Jaeger &
Blankner, Orlando, for Appellee.

PER CURIAM.

The State appeals the trial court's decision to withhold adjudication of guilt following Brandon Culver's no contest plea to a charge of fleeing and eluding a law enforcement officer in violation of section 316.1935(1), Florida Statutes (2009).

Section 316.1935(6) expressly prohibits the court from withholding adjudication of guilt for any violation of section 316.1935. See State v. Warner, 50 So. 3d 99 (Fla. 4th DCA 2010); State v. Scriber, 991 So. 2d 969 (Fla. 4th DCA 2008) (holding trial court

not permitted by statute to withhold adjudication of guilt in light of fleeing and eluding statutes express prohibition). For this reason, we reverse that portion of the sentencing order withholding adjudication and remand this matter to the circuit court for further proceedings.

REVERSED and REMANDED.

ORFINGER, COHEN and JACOBUS, JJ., concur.