

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

JANUARY TERM 2013

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

JESSE WILLIAM SHOEMAKER,

Appellant,

v.

Case No. 5D11-3856

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed January 25, 2013

Appeal from the Circuit Court
for Marion County,
Hale R. Stancil, Judge.

James S. Purdy, Public Defender, and
Allison A. Havens, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

The State appropriately concedes error because Appellant did not receive notice of the restitution hearing. *See Papageorge v. State*, 710 So. 2d 53, 55 (Fla. 4th DCA 1998). Accordingly, we reverse the restitution order and remand this cause for a new hearing.

REVERSED AND REMANDED.

PALMER, TORPY and EVANDER, JJ., concur.