

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

EDDIE BELL,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-3555

[November 7, 2007]

PER CURIAM.

In this appeal from a violation of probation proceeding, appellant timely raised the issue of a *Richardson v. State*, 246 So. 2d 771 (Fla. 1971), violation with respect to the state's most important witness. A *Richardson* hearing is required in a probation revocation proceeding. See *Cuciak v. State*, 410 So. 2d 916 (Fla. 1982). The circuit court did not conduct a *Richardson* inquiry. The state has failed to demonstrate that the failure to conduct such a hearing was harmless. The state's witness had been drinking and using cocaine on the night in question, but said that she was not "obliterated." Although defense counsel had 30 minutes to interview the witness prior to the hearing, proper notice of the witness would have given the defense time to more fully develop an effective impeachment strategy.

Reversed and remanded.

KLEIN, GROSS, JJ., and EMAS, KEVIN, Associate Judge, concur.

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Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Gary L. Sweet, Judge; L.T. Case No. 562005CF001028A.

Carey Haughwout, Public Defender, and Patrick B. Burke, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Katherine Y.

McIntire, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing