

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

STATE OF FLORIDA,
Appellant,

v.

MICHAEL DORCH,
Appellee.

No. 4D07-3007

[June 18, 2008]

POLEN, J.

The state timely appeals the trial court's order withholding adjudication and imposing court costs without sentencing appellee Michael Dorch to probation on a third degree felony.

We reverse. A trial court cannot withhold adjudication without imposing some form of probation. *See State v. Manos*, No. 4D07-4346, 2008 WL1949817 at *1 (Fla. 4th DCA May 7, 2008); *State v. Sylvio*, 846 So. 2d 1271 (Fla. 4th DCA 2003).

Reversed and remanded.

WARNER and TAYLOR, JJ., concur.

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Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward A. Garrison, Judge; L.T. Case No. 2007CF0094908BXX.

Bill McCollum, Attorney General, Tallahassee, and Jeanine M. Germanowicz, West Palm Beach, for appellant.

Carey Haughwout, Public Defender, and Anthony Calvello, Assistant Public Defender, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing