

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2010*

**ROBERT CRUM,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D09-822

[September 8, 2010]

FARMER, J.

Defendant was sentenced to probation for a one year period beginning August 27, 2007. On August 27, 2008, a probation officer filed an affidavit of violation of probation, and an arrest warrant was issued on the same day. The State concedes it was one day too late. *See Collier v. State*, 16 So.3d 340 (Fla. 4th DCA 2009) (stating that 5-year probation period starting December 19, 2002, expired on December 18, 2007).

We have construed § 948.06(1) to require filing of the papers and issuance of the arrest warrant before the period of probation has expired. *See Stambaugh v. State*, 891 So.2d 1136, 1139 (Fla. 4th DCA 2005); *Clark v. State*, 402 So.2d 43 (Fla. 4th DCA 1981). It follows that the revocation of defendant's probation and consequent sentence thereon must be and hereby is

*Reversed.*

DAMOORGIAN and LEVINE, JJ., concur.

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Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Matthew I. Destry, Judge; L.T. Case No. 07-5651 CF10A.

Carey Haughwout, Public Defender, and Gary Lee Caldwell, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, and Katherine Y. McIntire, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***