NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT

THOMAS DALE SMITH,)
Appellant,))
V.)
STATE OF FLORIDA,)
Appellee.)
)

Case No. 2D05-4119

Opinion filed May 10, 2006.

Appeal from the Circuit Court for Hillsborough County; Denise A. Pomponio, Judge.

James Marion Moorman, Public Defender, and Allyn M. Giambalvo, Assistant Public Defender, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Chandra Waite Dasrat, Assistant Attorney General, Tampa, for Appellee.

KELLY, Judge.

Thomas Smith appeals from the order revoking his probation. Smith was

alleged to have violated condition number three of his probation by moving from his last

known residence without the permission of his probation officer. He argues that reversal is required because the State relied entirely on hearsay evidence to prove the violation. We agree and reverse. <u>See Rowan v. State</u>, 696 So. 2d 842 (Fla. 2d DCA 1997) (holding that although hearsay testimony is admissible in a revocation hearing, it may not be the only evidence on which the revocation is based); <u>Kipp v. State</u>, 657 So. 2d 931 (Fla. 2d DCA 1995) (same).

Reversed.

NORTHCUTT, J., and GALLEN, THOMAS M., ASSOCIATE SENIOR JUDGE, Concur.