

Third District Court of Appeal

State of Florida, January Term, A.D., 2011

Opinion filed June 22, 2011.

No. 3D10-2147
Lower Tribunal No. 09-4670

T.H., a juvenile,
Appellant,

vs.

The State of Florida,
Appellee.

An appeal from the Circuit Court for Miami-Dade County, Orlando A. Prescott, Judge.

Carlos J. Martinez, Public Defender, and Daniel Tibbitt, Assistant Public Defender, for appellant.

Pamela Jo Bondi, Attorney General, and Heidi Milan Caballero, Assistant Attorney General, for appellee.

CONFESSION OF ERROR

Before SUAREZ, LAGOA, and EMAS, JJ.

PER CURIAM.

The juvenile, T.H., was charged with escape pursuant to section 985.721(3), Florida Statutes (2009). After an adjudicatory hearing, the trial court withheld

adjudication and sentenced her to community control. The State properly concedes that the trial court erred in denying the motion for judgment of dismissal because it failed to prove that T.H. was being “transport[ed] to or from any . . . secure detention facility or residential commitment facility.” § 985.721(3), Fla. Stat. (2009). Accordingly, we vacate the disposition below and remand for dismissal.