

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2005

WALTER CINTRON,

Appellant,

v.

Case No. 5D04-1996

CARMEN MARTINEZ F/K/A CARMEN CINTRON,

Appellee.

/

Opinion filed February 18, 2005

Appeal from the Circuit Court for
Orange County,
Alice Blackwell-White, Judge.

Walter Cintron, Lowell, Pro Se.

Charles J. Crist, Jr., Attorney General, and
Toni C. Bernstein, Assistant Attorney
General, Tallahassee, for Appellee.

MONACO, J.

Walter Cintron, who is in prison, appeals an order denying his petition to modify and suspend his child support obligation because of his imprisonment. The Florida Supreme Court has articulated the procedure to be used in considering such cases. See *Dep't of Revenue v. Jackson*, 846 So. 2d 486 (Fla. 2003). As the Department of Revenue agrees, the trial court did not follow the procedure specified in *Jackson*. Accordingly, we reverse with instructions to the circuit court to reconsider Mr. Cintron's motion in light of *Jackson*.

REVERSED and REMANDED.

SAWAYA, C.J. and PETERSON, J., concur.