

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

JULY TERM 2005

STATE OF FLORIDA,

Appellant,

v.

Case No. 5D04-3445

MONICA Y. GOULD,

Appellee.

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Opinion filed December 2, 2005

Appeal from the Circuit Court  
for Orange County,  
Frederick J. Lauten, Judge.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and Mary G. Jolley, Assistant  
Attorney General, Daytona Beach, for  
Appellant.

James S. Purdy, Public Defender, and  
Rosemarie Farrell, Assistant Public  
Defender, Daytona Beach, for Appellee.

PLEUS, C.J.

This case involves a State appeal of a final order dismissing a violation of probation (VOP) affidavit pursuant to *Jackson v. State*, 861 So. 2d 666 (Fla. 5th DCA 2004). This Court recently issued an en banc decision in *Crain v. State*, 30 Fla. L. Weekly D2607 (Fla. 5th DCA Nov. 18, 2005), holding that although unsworn VOP affidavits are defective under *Jackson*, "the remedy of dismissal applied in *Jackson* is inappropriate in instances where the good faith exception applies." In light of *Crain*, we

remand this case to the trial court to determine whether the good faith exception applies.

REMANDED.

GRIFFIN and ORFINGER, JJ., concur.