

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

JULY TERM 2004

M.N.D., a Child

Appellant,

CASE NO. 5D04-778

v.

STATE OF FLORIDA,

Appellee.

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Opinion filed December 3, 2004

Appeal from the Circuit Court
for Marion County.
Carven D. Angel, Judge.

James B. Gibson, Public Defender, and
Noel A. Pelella, Assistant Public Defender,
Daytona Beach, for Appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee,
and Anthony J. Golden, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

ON MOTION FOR NEW TRIAL

We relinquished jurisdiction to the trial court for reconstruction of the record. The State agrees that reconstruction of the Appellant's adjudicatory hearing cannot be accomplished and concedes that the proper remedy is to vacate the trial court's order and remand this case for a new hearing. We therefore, reverse and remand this case for a new adjudicatory

hearing. See In the Interest of K.R. and I.R., 818 So.2d 719 (Fla. 2d DCA 2002).

REVERSED and REMANDED.

PLEUS, ORFINGER and TORPY, JJ., concur.