

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

JULY TERM 2007

GARY SMITH,

Appellant,

v.

CASE NO. 5D07-479

STATE OF FLORIDA,

Appellee.

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Opinion filed October 26, 2007

Appeal from the Circuit Court for  
Marion County,  
Brian Lambert, Judge.

James S. Purdy, Public Defender, and  
Leonard R. Ross, Assistant Public Defender,  
Daytona Beach, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Robin A. Compton,  
Assistant Attorney General, Daytona Beach,  
for Appellee.

LAWSON, J.

Appellant challenges the revocation of his probation for walking across the county line for help when his car broke down. Because the record does not support the trial court's finding that Appellant willfully and substantially violated his probation, we reverse.

REVERSED.

ORFINGER and MONACO, JJ., concur.