

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

JANUARY TERM 2011

STATE OF FLORIDA,

Appellant,

v.

Case No. 5D10-2844

ANASTASIOS PATSAS,

Appellee.

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Opinion filed May 13, 2011

Appeal from the Circuit Court
for Orange County,
John H. Adams, Sr., Judge.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Wesley Heidt, Assistant
Attorney General, Daytona Beach,
for Appellant.

No Appearance for Appellee.

PER CURIAM.

We reverse the trial court's sua sponte order dismissing a 1985 felony charge filed against Anastasios Patsas. The record reflects that the State did not receive notice or an opportunity to be heard prior to the rendition of the order of dismissal. The fundamental requisites of due process of law are notice and the opportunity to be heard. *See, e.g., Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

ORDER OF DISMISSAL QUASHED.

SAWAYA, TORPY and EVANDER, JJ., concur.