

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

JULY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

STATE OF FLORIDA,

Appellant,

v.

Case No. 5D12-1515

ABRAHEEM FIRST-PAGE,

Appellee.

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Opinion filed August 9, 2013

Appeal from the Circuit Court  
for Orange County,  
O.H. Eaton, Jr., Senior Judge.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Rebecca Rock  
McGuigan, Assistant Attorney General,  
Daytona Beach, for Appellant.

James S. Purdy, Public Defender, and  
Robert E. Wildridge, Assistant Public  
Defender, Daytona Beach, for Appellee.

PER CURIAM.

After a jury found Appellee guilty of a first-degree felony, the trial court, over the State's objection, withheld adjudication of guilt and imposed a probationary sentence. The State appeals the trial court's failure to adjudicate Appellee guilty.<sup>1</sup> We reverse

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<sup>1</sup> Appellate review is authorized pursuant to Florida Rule of Appellate Procedure 9.140(c)(1)(L) ("The state may appeal an order . . . withholding adjudication of guilt in violation of general law.").

because section 775.08435(1)(a), Florida Statutes (2009), prohibits a court from withholding an adjudication of guilt upon a defendant who is found to have committed a first-degree felony. See *State v. Foster*, 114 So. 3d 422 (Fla. 5th DCA 2013); *State v. Ketchum*, 111 So. 3d 197 (Fla. 3d DCA 2013). The judgment and sentence are otherwise affirmed.

AFFIRMED, in part; REVERSED, in part; and REMANDED for entry of an adjudication of guilt.

PALMER, EVANDER and COHEN, JJ., concur.