

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

M.H., a child,

Appellant,

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

v.

CASE NO. 1D03-4875

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 28, 2004.

An appeal from the Circuit Court for Leon County.
James O. Shelfer, Judge.

Nancy A. Daniels, Public Defender; P. Douglas Brinkmeyer, Assistant Public
Defender, Tallahassee, for Appellant.

Charles J. Crist, Jr., Attorney General; Karen M. Holland, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Because the trial court was without jurisdiction to revoke the appellant's
probation (which had expired six months prior to the filing of an affidavit of violation
thereof), we reverse the appellant's conviction and remand with instructions for the

trial court to vacate the order revoking probation and the judgment and sentence imposed subsequent thereto, dismiss the affidavit alleging a violation of probation, and discharge the appellant.

KAHN, DAVIS and PADOVANO, JJ., CONCUR.