

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

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

VICTORIA DENISE WILLIAMS,

Appellant,

v.

CASE NO. 1D06-0149

STATE OF FLORIDA,

Appellee.

Opinion filed March 30, 2007.

An appeal from the Circuit Court for Taylor County.
James Roy Bean, Judge.

Nancy A. Daniels, Public Defender, and Danielle Jordan, Assistant Public Defender,
Tallahassee, for Appellant.

Bill McCollum, Attorney General, and Felicia A. Wilcox, Assistant Attorney General,
Tallahassee, for Appellee.

BROWNING, C.J.

We affirm Appellant's conviction and sentence for felony cruelty to animals,
as the State produced evidence sufficient to overcome Appellant's motion for

judgment of acquittal. We reverse the order of restitution because the trial court lacked jurisdiction to enter such order, as Appellant had already filed her notice of appeal. See, e.g., Brantley v. State, 723 So. 2d 909 (Fla. 1st DCA 1999). We note that, upon return of jurisdiction to the trial court, the trial court may conduct another restitution hearing. See id.

AFFIRMED in part, REVERSED in part, and REMANDED.

WEBSTER and PADOVANO, JJ., CONCUR.