

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

JOEY DAWSON,
Appellant,

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

v.

CASE NOS. 1D14-4630/1D14-4631

STATE OF FLORIDA,
Appellee.

Opinion filed July 21, 2015.

An appeal from the Circuit Court for Leon County.
Kevin J. Carroll, Judge.

Nancy A. Daniels, Public Defender, and Joel Arnold, Assistant Public Defender,
Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Julian E. Markham, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

We consolidate these cases for purposes of this opinion. Appellant pled nolo contendere to criminal charges in both cases, and the circuit court imposed concurrent sentences of probation. Appellant challenges orders revoking his probation in both cases based on the court's finding that appellant violated the

terms of his probation by testing positive for cocaine. Appellant argues the orders must be reversed because the State's evidence was entirely hearsay. We agree.

The only evidence presented by the State to prove appellant's violation was his probation officer's testimony that she conducted a urinalysis at her office that indicated appellant used cocaine, and then she sent a urine sample to a laboratory which issued a report indicating the urine tested positive for cocaine. Case law is clear that laboratory test reports not testified to by an expert are hearsay. See Hogan v. State, 583 So. 2d 426 (Fla. 1st DCA 1991). We find the probation officer's testimony regarding the test she performed in her office to be indistinguishable from the officer's testimony in Bray v. State, 75 So. 3d 749 (Fla. 1st DCA 2011), and thus it was also hearsay. Because the State's evidence consisted entirely of hearsay evidence, the orders revoking appellant's probation are REVERSED.

WOLF, WETHERELL, and BILBREY, JJ., CONCUR.