

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

JAMES JUSTIN CHANNELL,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D16-2353

Opinion filed November 28, 2016.

An appeal from the Circuit Court for Escambia County.
J. Scott Duncan, Judge.

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

Pamela Jo Bondi, Attorney General, Tayo Popoola, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

The “Order of Judgment and Sentence Violation of Probation/Community
Control” entered in Escambia County Circuit Court case number 2014-CF-

000283—the subject of the instant appeal—has been rendered null and void by our recent ruling in Channell v. State, No. 1D15-3859 (Fla. 1st DCA Oct. 4, 2016) [2016 WL 5746645], by which we reversed the order finding Appellant violated the terms and conditions of his original probation in the same case. Cf. Taylor v. State, 145 So. 3d 1004, 1005 (Fla. 1st DCA 2014) (mem.). Hence, the current order on appeal is VACATED. *

LEWIS, WETHERELL, and JAY, JJ., CONCUR.

* Our ruling, however, does not preclude the State from filing a new affidavit alleging Appellant violated the conditions of his original probation based on the conduct that gave rise to the affidavit charging him with violations of his probation/community control in the instant case.