

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-2455

JOSHUA TROY DOOLY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Escambia County.
Jennie Kinsey, Judge.

May 6, 2019

PER CURIAM.

The State properly concedes that the trial court lacked jurisdiction in this case to revoke Appellant's probation and resent him because he had already served the statutory maximum time on probation before the filing of the probation violation affidavit. *Tate v. State*, 191 So. 3d 535 (Fla. 1st DCA 2016). Accordingly, we reverse and remand with directions to discharge Appellant in Escambia County circuit court case number 2008-CF-006266-B. *Id.*

REVERSED and REMANDED with directions.

ROWE, JAY, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, and Joel Arnold, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Sharon S. Traxler, Assistant Attorney General, Tallahassee, for Appellee.