

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2011*

**STATE OF FLORIDA,**  
Appellant,

v.

**MICHAEL BELLUSCIO,**  
Appellee.

No. 4D10-1108

[ June 29, 2011 ]

PER CURIAM.

We find no error in the trial court's imposition of a downward departure sentence, because the defendant met his burden of proving the requirements for a downward departure sentence, pursuant to section 921.0026(2)(d), Florida Statutes (2009), and presented un rebutted testimony that the defendant required specialized treatment for mental health disorders unrelated to substance abuse, which was not available at the Department of Corrections.

*Affirmed.*

STEVENSON, TAYLOR and GERBER, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; William W. Haury, Jr., Judge; L.T. Case No. 07-17563 CF10A.

Pamela Jo Bondi, Attorney General, Tallahassee, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellant.

Carey Haughwout, Public Defender, and Dea Abramschmitt, Assistant Public Defender, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***