

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

CHRISTOPHER J. RAHAIM,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D08-4872

Opinion filed December 2, 2009.

Appeal from the Circuit Court for
Pinellas County; R. Timothy Peters,
Judge.

James Marion Moorman, Public
Defender, and Alisa Smith, Assistant
Public Defender, Bartow, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Cerese Crawford
Taylor, Assistant Attorney General,
Tampa, for Appellee.

KELLY, Judge.

Christopher Rahaim appeals his judgment and sentence for sexual
battery. We affirm his judgment and sentence without discussion but reverse the
restitution order and remand for a new restitution hearing.

In imposing sentence on Rahaim, the trial court set a later hearing to determine restitution. Before the restitution hearing took place, Rahaim filed a notice of appeal. The trial court then conducted the hearing and entered the restitution order. Rahaim contends, and the State concedes, that the trial court lacked jurisdiction to enter the restitution order after the notice of appeal had been filed. See Williams v. State, 34 Fla. L. Weekly D1945 (Fla. 2d DCA Sept. 25, 2009). Accordingly, we reverse and remand to allow the trial court to reimpose restitution. See L'Heureux v. State, 968 So. 2d 628 (Fla. 2d DCA 2007).

Affirmed in part, reversed in part, and remanded.

DAVIS and CRENSHAW, JJ., Concur.