

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

B.D.M.,)	
)	
Appellant,)	
)	
v.)	Case No. 2D09-2111
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed September 24, 2010.

Appeal from the Circuit Court for Polk
County; John Radabaugh and Kevin
Abdoney, Judges.

James Marion Moorman, Public
Defender, and Matthew D. Bernstein,
Assistant Public Defender, Bartow,
for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Danilo Cruz-Carino,
Assistant Attorney General, Tampa,
for Appellee.

NORTHCUTT, Judge.

Two unidentified men towed a car from a carport without the owner's permission. Thereafter, the victim's daughter and the daughter's boyfriend, B.D.M., were charged with grand theft and adjudicated delinquent after separate hearings. This court reversed the daughter's adjudication because the circumstantial evidence did not

exclude a reasonable hypothesis of innocence. M.F. v. State, 35 So. 3d 998 (Fla. 2d DCA 2010). B.D.M.'s adjudication was based on substantially the same circumstantial evidence as that presented against the daughter, and it likewise was insufficient.

Accordingly, we reverse.

Reversed and remanded.

WALLACE and MORRIS, JJ., Concur.