

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

CHRISTOPHER JOHNPHER, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D11-2286

Opinion filed May 11, 2012.

Appeal from the Circuit Court for  
Hillsborough County; Daniel L. Perry,  
Judge.

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

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Ronald Napolitano,  
Assistant Attorney General, Tampa,  
for Appellee.

KELLY, Judge.

Christopher Johnpier appeals from the sentence imposed on him after his  
probation was revoked. He argues that the trial court erred by refusing to hear any

argument on sentencing. We agree and reverse. See Caldwell v. State, 72 So. 3d 779, 779 (Fla. 2d DCA 2011) (citing Estevez v. State, 705 So. 2d 972, 973 (Fla. 3d DCA 1998)) (holding that a probationer must have an opportunity to be heard regarding what sentence should be imposed and to present mitigating evidence).

Accordingly, we affirm the revocation of Johnpier's probation but reverse Johnpier's sentence and remand to the trial court for a new sentencing hearing.

Affirmed in part; reversed in part.

WHATLEY and MORRIS, JJ., Concur.