

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM, A.D. 2003

AMEHT DOMINGUEZ,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-3254
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 01-23763

Opinion filed July 2, 2003.

An Appeal from the Circuit Court for Miami-Dade County,  
Victoria S. Sigler, Judge.

Bennett H. Brummer, Public Defender, and Gwendolyn Powell  
Braswell, Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Andrea D. England  
(Ft. Lauderdale), Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., SHEVIN and RAMIREZ, JJ.

SHEVIN, Judge.

We reverse the order revoking defendant's community control  
on ground one, failure to pay restitution, based on the state's  
proper concession. We also reverse the revocation as to ground

two, failure to perform monthly community service hours, on the authority of Davis v. State, 697 So. 2d 895 (Fla. 2d DCA 1997). The state argued in the trial court that defendant failed to complete the 30 hours required for the period in question. However, defendant had completed 18 hours in that period. Here, as in Davis, defendant substantially performed community service hours during the time he was on community control, and there is no evidence of a willful and substantial violation of this requirement.

Accordingly the order is reversed and the case remanded for resentencing in view of the fact that defendant has served one year in prison as a result of the violation.