

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, 2003

JAMES GENTIL CHERRY,	**	
Appellant,	**	
vs.	**	CASE NO. 3D03-549
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 01-32113

Opinion filed October 1, 2003.

An Appeal from the Circuit Court for Miami-Dade County,  
Henry Leyte Vidal, Judge.

Bennett H. Brummer, Public Defender, and Valerie Jonas,  
Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Roberta G.  
Mandel, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and LEVY and GODERICH, JJ.

PER CURIAM.

We reverse the order revoking the defendant's community  
control finding that the State failed to meet its burden of showing

that the violation was willful and substantial. See Boatwright v. State, 847 So. 2d 1141, 1142 (Fla. 3d DCA 2003); Thomas v. State, 760 So. 2d 1138, 1139 (Fla. 5<sup>th</sup> DCA 2000); Jones v. State, 730 So. 2d 349 (Fla. 4<sup>th</sup> DCA 1999).

Reversed.