

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, 2004

THE STATE OF FLORIDA,

Appellant,

vs.

JOSE RODRIGUEZ,

Appellee.

**

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** CASE NO. 3D03-639

**

** LOWER

TRIBUNAL NO. 02-10531

**

Opinion filed October 13, 2004.

An Appeal from the Circuit Court for Miami-Dade County,
Jose M. Rodriguez, Judge.

Charles J. Crist, Jr., Attorney General, and Paulette R.
Taylor, Assistant Attorney General, for appellant.

Craig J. Trocino, for appellee.

Before GERSTEN, GODERICH, and GREEN, JJ.

PER CURIAM.

The trial court's finding that the State's discovery
violations prejudiced the defendant, Jose Rodriguez, in the
preparation of his defense was not supported by the record.

Therefore, the trial court abused its discretion by granting the defendant's motion for discharge for violation of the speedy trial rule. State v. Guzman, 667 So. 2d 989 (Fla. 3d DCA 1996); State v. Brown, 527 So. 2d 209, 210 (Fla. 3d DCA), review denied, 534 So. 2d 398 (Fla. 1988); State v. Del Gaudio, 445 So. 2d 605, 608 (Fla. 3d DCA), review denied, 453 So. 2d 45 (Fla. 1984).

Reversed.