

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CRIMINAL): AC
CASE NO.: 502016AP900068AXXXMB
L.T. NO.: 502014CT016481AXXXNB

SABRINA LEDONA CARSON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

Opinion filed: JUN 02 2017

Appeal from the County Court in and for Palm Beach County,
Judge Barry M. Cohen

For Appellant: Stacey Kime, Esq.
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PER CURIAM.

Appellant Sabrina Carson argues the trial court erred in relying solely on hearsay to find that she violated the terms of her plea and pass agreement. The State concedes error, and we agree.

As this Court has held in the past, a trial court cannot impose the downside of a plea and pass agreement based “solely on hearsay.” *Dale v. State*, 9 Fla. L. Weekly Supp. 227b (Fla. 15th

Cir. 2002); *Harris v. State*, 16 Fla. L. Weekly Supp. 147a (Fla. 15th Cir. 2008). Because the trial court here found that Appellant had violated the terms of her plea and pass agreement based solely on hearsay from the probable cause affidavit, we REVERSE Appellant's conviction and REMAND this case to the trial court with instructions to reinstate the plea and pass agreement.

K. MARX, KELLEY, and VOLKER, JJ., concur.

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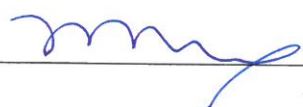

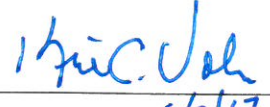
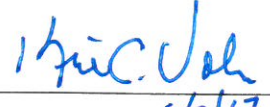
Appealed: April 10, 2016

_____/_____
DATE OF PANEL: MARCH 28, 2017

PANEL JUDGES: K. MARX, KELLEY, VOLKER

AFFIRMED/REVERSED/OTHER: REVERSED AND REMANDED

PER CURIAM OPINION/DECISION BY: PER CURIAM

DATE CONCURRING:)	DISSENTING:)	CONCURRING SPECIALLY:)
)	With Opinion)	With/Without Opinion)
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_____ J.)	_____ J.)	_____ J.)
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