

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

LORAIN W. JACOBS

Appellant,

Appellate Division (Criminal)

Case No.: 502008AP900050AXXXMB

Co. Court Case No.: 2006CT006934AXXXMB

v.

STATE OF FLORIDA,

Appellee.

Opinion filed: Nov. 3, 2008

Appeal from Mark Eissey,
County Court in and for Palm Beach County.

For Appellant, Carey Haughwout, Office of the Public Defender, 421 Third Street, West Palm Beach, FL 33401

For Appellee, Michelle Zieba, Office of the State Attorney, 401 N. Dixie Highway, West Palm Beach, FL 33401.

PER CURIAM.

The trial court's award of restitution is hereby REVERSED in part, and REMANDED to the trial court to identify the fair market values of Dianna Pierson's lost vehicle, and Trevor Pierson's eye glasses at the time of loss. See State v. Hawthorne, 573 So. 2d 330, 333 (Fla. 1991). After determining the fair market values, the trial court should articulate why, if so determined, that the fair market values are not adequate compensation for the victims, and why special circumstances call for restitution based upon the replacement values. See id.

For all remaining issues, we find no error and affirm.

Affirmed in part, reversed in part, and remanded for further proceedings.

BROWN, MCSORLEY and LABARGA, JJ. concur.