

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

P.W., A CHILD,

Appellant,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

v.

CASE NO. 1D13-4696

STATE OF FLORIDA,

Appellee.

Opinion filed April 14, 2014.

An appeal from the Circuit Court for Clay County.
Timothy R. Collins, Judge.

Nancy A. Daniels, Public Defender, and Archie F. Gardner, Jr., Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General; Trisha Meggs Pate, Bureau Chief of Criminal
Appeals; and Kristen Bonjour, Assistant Attorney General, Tallahassee, for
Appellee.

PER CURIAM.

Appellant seeks review of the amended disposition order adjudicating her
delinquent and committing her to the custody of the Department of Juvenile Justice

for placement in a moderate-risk residential program. Appellant does not challenge – and, thus, we affirm – the adjudication of delinquency. Appellant raises two issues concerning her commitment: (1) the trial court failed to comply with E.A.R. v. State, 4 So. 3d 614 (Fla. 2009), when departing from the recommendation of probation in the predisposition report; and (2) the trial court failed to make written findings to support placement at the moderate-risk residential restrictiveness level as required by section 985.441(2)(d), Florida Statutes. We affirm the first issue based upon B.K.A. v. State, 122 So. 3d 928 (Fla. 1st DCA 2013), and J.B.S. v. State, 90 So. 3d 961 (Fla. 1st DCA 2012). We reverse the second issue based upon the State’s confession of error, and we remand for the trial court to make written findings in compliance with section 985.441(2)(d). See K.M.H. v. State, 91 So. 3d 262 (Fla. 1st DCA 2012),

AFFIRMED in part; REVERSED in part; REMANDED with directions.

ROBERTS, WETHERELL, and OSTERHAUS, JJ., CONCUR.