

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2009

C.H., a child,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-908

[March 25, 2009]

FARMER, J.

The issue raised in this juvenile delinquency appeal is identical to the one raised in our recent decision in *E.E. v. State*, --- So.2d ---, 34 Fla. L. Weekly D---, 2009 WL 605399 (Fla. 4th DCA Mar. 11, 2009). As we did there, we reverse the disposition imposed in this case under the authority of *E.A.R. v. State*, --- So.2d ---, 34 Fla. L. Weekly S120, 2009 WL 217979 (Fla. Jan. 30, 2009), and remand with instructions to hold a new disposition hearing complying with *E.A.R.* The court is free to require an updated PDR, and all parties should be allowed to present new evidence and argument for the ultimate disposition.

GROSS, C.J. and DAMOORGIAN, J., concur.

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Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert L. Pegg, Judge; L.T. Case No. 312007CJ000837A.

Carey Haughwout, Public Defender, and Anthony Calvello, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.