

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2011

JOSEPH EDWARD FARLEY,

Appellant,

v.

Case No. 5D10-415

STATE OF FLORIDA,

Appellee.

Opinion filed March 4, 2011

Appeal from the Circuit Court
for Orange County,
Walter Komanski, Judge.

James S. Purdy, Public Defender, and
Noel A. Pelella, Assistant Public Defender,
Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Megan Saillant,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Joseph Farley appeals the denial of a dispositive motion to suppress. Finding no error, we affirm. See Ortiz v. State, 24 So. 3d 596 (Fla. 5th DCA 2009); P.B.P. v. State, 955 So. 2d 618 (Fla. 2d DCA 2007).

We treat Farley's motion to vacate the trial court's order for restitution as a supplemental brief following the amendment of his notice of appeal. Although the trial court reserved jurisdiction to determine restitution, because it conducted the hearing

and entered the order after a notice of appeal had been filed, that order is without effect. See Nguyen v. State, 655 So. 2d 1249, 1249-50 (Fla. 1st DCA 1995). Upon remand, the trial court may conduct a new hearing and again impose restitution.

AFFIRMED IN PART; REVERSED IN PART; REMANDED.

GRIFFIN, TORPY and COHEN, JJ., concur.