

Accelerated Docket of this Court. Appellant raised the following propositions of error on appeal:

1. The trial court lacked authority to lengthen Appellant's original Judgment and Sentence by an intervening revocation order.¹
2. The revocation of Appellant's sentence must be vacated because there was insufficient evidence of the violation alleged in the application to revoke.
3. Revocation based on facts and law not set forth in the application to revoke, failed to provide Appellant notice in violation of due process.

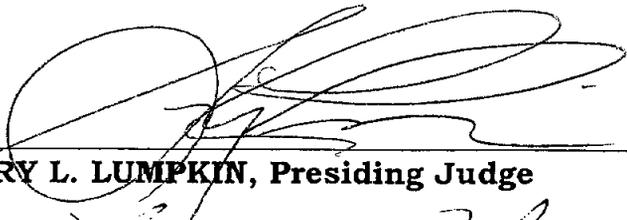
Oral argument was held October 11, 2001, pursuant to Rule 11.2(F). At the conclusion of oral argument, the parties were advised of the decision of this Court. The State agreed with Appellant's first proposition of error. However, because we find merit to Appellant's second proposition of error, we do not find it necessary to address either the first or third propositions of error. As to Appellant's second proposition of error, we find by a vote of four (4) to zero (0), that the State failed to prove by a preponderance of the evidence the violations alleged in the application to revoke.

IT IS THEREFORE THE ORDER OF THIS COURT that the revocation order of the District Court of Beaver County is **REVERSED** and the matter is **REMANDED** to the District Court with **INSTRUCTIONS TO DISMISS**.

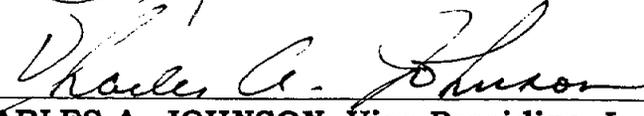
IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 16th day of October, 2001.

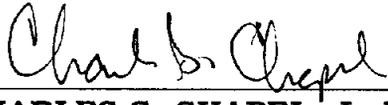
¹ In the State's Response to Proposition I, the State "concedes that the trial court lacked the authority to order a suspension of sentence that would run beyond the original one year term, which was to expire August 29, 2000."



GARY L. LUMPKIN, Presiding Judge



CHARLES A. JOHNSON, Vice Presiding Judge



CHARLES S. CHAPEL, Judge



RETA M. STRUBHAR, Judge

ATTEST:



Clerk