

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2025-1445
Lower Tribunal No. 2023-CF-016758

LADANIEL D. KAFUS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal from the Circuit Court for Lee County.
Bruce Kyle, Judge.

September 18, 2026

MIZE, J.

Appellant, Ladaniel D. Kafus (“Defendant”), appeals an Order of Revocation of Probation and sentence of imprisonment entered by the trial court. We have jurisdiction. Fla. R. App. P. 9.140(b)(1)(D).

In the proceedings below, the Department of Corrections filed an affidavit of violation of probation alleging that Defendant committed five violations of condition 15 of his probation by failing to return home by his designated curfew time on five separate occasions. After an evidentiary hearing, the trial court found,

as alleged in the affidavit, that Defendant committed five willful and substantial violations of his probation by failing to return home by his designated curfew time on five separate occasions. The trial court revoked Defendant's probation and sentenced him to 89.55 months in the Department of Corrections, with credit for time already served. On appeal, Defendant argues that there was no competent, substantial evidence to support the trial court's finding that he willfully violated his probation.

“We review a trial court's decision to revoke probation for abuse of discretion. However, only a willful and substantial violation of probation can support a revocation of probation. Negligence or ineptitude does not support a finding of a willful and substantial violation.” *Bean v. State*, 388 So. 3d 300, 304 (Fla. 6th DCA 2024) (internal citations omitted). “A violation of probation is willful only where the defendant fails to make reasonable efforts to comply with the alleged violated condition.” *Id.* (quoting *Rousey v. State*, 226 So. 3d 1015, 1017 (Fla. 2d DCA 2017) (internal quotations omitted)). “We review the trial court's finding that a willful and substantial violation occurred for competent, substantial evidence.” *Bean*, 388 So. 3d at 304.

After diligently reviewing the record, we agree with Defendant that there was no competent, substantial evidence presented at the hearing that any of his curfew violations were willful. Accordingly, we reverse the trial court's Order of

Revocation of Probation and the sentence therein and remand this case to the trial court with instructions to reinstate Defendant's probation.

REVERSED and REMANDED with instructions.

NARDELLA and SMITH, JJ., concur.

Blair Allen, Public Defender, and Pamela H. Izakowitz, Assistant Public Defender, Bartow, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Tayna Alexander, Assistant Attorney General, Tampa, for Appellee.

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