

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

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

MATTHEW JOSEPH BRYANT,

Appellant,

v.

Case No. 5D14-3098

STATE OF FLORIDA,

Appellee.

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Opinion filed October 9, 2015

Appeal from the Circuit Court  
for Marion County,  
Robert W. Hodges, Judge.

J. Melanie Slaughter, of J. Melanie  
Slaughter, P. A., Ocala, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Carmen F.  
Corrente, Assistant Attorney General,  
Daytona Beach, for Appellee.

PER CURIAM.

After revoking Appellant's probation, the trial court sentenced him to sixty months in prison on Count I and a consecutive thirty-six months in prison, followed by two years' probation on Count II. We reverse and remand this cause with instructions that the lower court reduce the length of probation on Count II so that the aggregate of the prison term, the previously served probation on Count II, and the probation to follow the prison term

on Count II, does not exceed the statutory maximum. See *Waters v. State*, 662 So. 2d 332, 333 (Fla. 1995) (holding that where, after revoking probation, trial court includes probation as part of new sentence, it must give credit for time previously served on probation if combination of new sanctions and time previously served on probation exceed statutory maximum for underlying offense); *Bishop v. State*, 62 So. 3d 1226, 1227 (Fla. 5th DCA 2011). In all other respects, we affirm.

AFFIRMED IN PART; REVERSED IN PART AND REMANDED.

PALMER, TORPY, and COHEN, JJ., concur.