

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

DAVID P. HENRY,

Appellant,

v.

Case No. 5D18-3325

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 13, 2019

Appeal from the Circuit Court
for Brevard County,
Morgan Laur Reinman, Judge.

James S. Purdy, Public Defender, and
Danielle R. Rufai, Assistant Public
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Wesley Heidt, Assistant
Attorney General, Daytona Beach, for
Appellee.

PER CURIAM.

David Henry appeals the entry of an order finding him in violation of his probation. We conclude that there was competent, substantial evidence to support the trial court's determination that Henry violated Special Condition C, by having indirect contact with H.H. on February 14, February 24, April 2, April 13, and May 24, 2018. However, because

the evidence was insufficient to support the other violations found by the trial court, we reverse and remand for the trial court to reconsider the sentence imposed and for correction of the violation of probation order. See, e.g., Whitehead v. State, 22 So. 3d 846, 849 (Fla. 2009) (holding that where three of nine findings of probation violations were not supported by evidence, appellate court would remand to allow trial court to consider sentence imposed based upon six supported violations; further ordering trial court to correct order revoking probation).

AFFIRMED in part; REVERSED in part; REMANDED.

EVANDER, C.J., ORFINGER and WALLIS, JJ., concur.