

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2005*

**WALTER MOSLEY,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D04-2855

[ October 19, 2005 ]

PER CURIAM.

Appellant, Walter Mosley, appeals a court order revoking his probation. We affirm in part and remand in part. Mosley had previously pleaded guilty and was convicted of the crimes of Grand Theft and Grand Theft Auto, and was sentenced to probation for these crimes. The State filed a petition for revocation of Mosley's probation, alleging that he violated his probation by: (1) not reporting to his probation officer for several months; (2) not paying the cost of probation supervision; (3) committing the new crime of Grand Theft Auto; (4) failure to pay any restitution; (5) failure to pay court costs; and (6) failure to pay the public defenders fee. A hearing was held and the court found Mosley guilty of committing the crime of Grand Theft Auto while on probation. Mosley was re-sentenced to consecutive five year sentences for both counts of his original conviction. The trial court found Mosley innocent of the other alleged probation violations. However, a substitute judge signed the final order, mistakenly holding Mosley guilty of the additional probation violations.

We affirm the trial court's determination of guilt, but remand the final order with instructions for the court to enter an order correctly reflecting the trial court's findings. *See Defrank v. State*, 866 So. 2d 253 (Fla. 4th DCA 2004). As the final order is being remanded for correction of a scrivener's error, Mosley is not required to be present.

STEVENSON, C.J., POLEN and SHAHOOD, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Richard I. Wennet and Lucy Chernow Brown, Judges; L.T. Case No. 01-8017 CFA02.

Carey Haughwout, Public Defender, and Patrick B. Burke, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Myra J. Fried, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***