NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

FORREST M. JOHNSON,)
Appellant,)
V.) Case No. 2D13-4308
STATE OF FLORIDA,)
Appellee.)))

Opinion filed January 7, 2015.

Appeal from the Circuit Court for Polk County; Charles B. Curry, Judge.

Howard L. Dimmig, II, Public Defender, and Carol J.Y. Wilson, Assistant Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

CASANUEVA, Judge.

We affirm Forrest M. Johnson's judgment and sentence in this <u>Anders</u>¹ appeal. However, we remand for the trial court to correct an apparent scrivener's error in the order revoking probation.

¹Anders v. California, 386 U.S. 738 (1967).

Johnson admitted to violating his probation, and his probation was revoked based on the violations set forth in an amended affidavit of probation. The amended affidavit alleged nine violations, including a violation of condition three for changing his residence without the consent of the probation officer. The order of revocation tracks the violations alleged in the amended affidavit but includes a violation of condition thirteen, failure to report within seventy-two hours of release, and no violation of condition three. No violation of condition thirteen was alleged or otherwise at issue. Thus, it appears the trial court intended to include a violation of condition three, not condition thirteen, in its order. Accordingly, we affirm Johnson's judgment and sentence but remand for the trial court to correct the order revoking probation.

Affirmed and remanded.

DAVIS, C.J., and ALTENBERND, J., Concur.