

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

STEVEN TIDWELL,)	
)	
Appellant,)	
)	
v.)	Case No. 2D10-3191
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed September 21, 2011.

Appeal from the Circuit Court for Polk
County; Keith P. Spoto, Judge.

James Marion Moorman, Public Defender,
and Maureen E. Surber, Assistant Public
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Katherine Coombs Cline,
Assistant Attorney General, Tampa, for
Appellee.

NORTHCUTT, Judge.

The circuit court found that Steven Tidwell violated the terms of the
probation to which he had been sentenced for the crime of lewd battery, and it
sentenced him to ten years' imprisonment. On appeal, defense counsel filed an

Anders¹ brief, stating that she could find no meritorious argument to support reversal. We agree, but when reviewing the record we discovered an error in the sentencing documents.

Tidwell was designated a youthful offender when he was originally sentenced for the lewd battery crime. His sentence on the violation of probation is permissible under the youthful offender act because he committed a new law offense and his sentence does not exceed the statutory maximum for the crime. See § 958.14, Fla. Stat. (2009). But when a youthful offender commits a violation of probation, even a substantive one as described in section 958.14, his status as a youthful offender cannot be revoked. Vantine v. State, 36 Fla. L. Weekly D1466 (Fla. 2d DCA July 6, 2011); see also Blacker v. State, 49 So. 3d 785 (Fla. 4th DCA 2010). The written sentence entered after Tidwell's probation violation does not designate him as a youthful offender. Accordingly, we remand with directions to correct the sentencing documents to reflect that the designation continues. Tidwell does not need to be present for the correction.

Affirmed; remanded for correction of sentencing documents.

DAVIS and CRENSHAW, JJ., Concur.

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