

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

COREY SHANE BOWMAN,)

Appellant,)

v.)

STATE OF FLORIDA,)

Appellee.)

Case No. 2D10-5964

Opinion filed April 11, 2012.

Appeal from the Circuit Court for Pasco
County; Pat Siracusa, Judge.

James Marion Moorman, Public Defender,
and Judith Ellis, Assistant Public Defender,
Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Sonya Roebuck Horbelt,
Assistant Attorney General, Tampa, for
Appellee.

SILBERMAN, Chief Judge.

Corey Shane Bowman seeks review of the trial court's order revoking his probation in case no. 07-3234 and ordering his probationary term in case no. 09-4489 to be held in abeyance pending the completion of his prison term in case no. 07-3234.

Among other things, Bowman argues that the trial court improperly extended his probation in case no. 09-4489. We affirm the court's finding that Bowman willfully and

substantially violated his probation in case no. 07-3234 without further comment. We note that the court did not extend the term of Bowman's probation in case no. 09-4489 by declaring that Bowman's probation in that case would be held in abeyance while he served his incarcerative term in case no. 07-3234. When a defendant who is serving probation in one case is incarcerated in a separate case, his probationary sentence is automatically "tolled." Badger v. State, 23 So. 3d 813, 816-17 (Fla. 2d DCA 2009); Jones v. State, 964 So. 2d 167, 171 (Fla. 5th DCA 2007); Williams v. State, 773 So. 2d 660, 660 (Fla. 5th DCA 2000); State v. Savage, 589 So. 2d 1016, 1018 (Fla. 5th DCA 1991). Thus, the trial court was simply explaining the legal effect of its incarcerative sentence in case no. 07-3234 on the probationary sentence in case no. 09-4489.

Affirmed.

ALTENBERND and WALLACE, JJ., Concur.