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

IN THE DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT

ANTHONY DENNIS MILLER,
Appellant,
V.
STATE OF FLORIDA,
Appellee.

Case No. 2D11-1670

Opinion filed June 20, 2012.

Appeal from the Circuit Court for Sarasota County; Rochelle Curley, Judge.

James Marion Moorman, Public Defender, and Pamela H. Izakowitz, Assistant Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Tonja Rene Vickers, Assistant Attorney General, Tampa, for Appellee.

CASANUEVA, Judge.

Anthony Dennis Miller appeals the revocation of his probation and

subsequent imposition of a new sentence for burglary of a dwelling. He raises two

issues on appeal. On the first issue, in which Mr. Miller argues that the evidence was

insufficient to prove that his violation of a condition of his probation was both willful and

substantial, we affirm. There was competent, substantial evidence to support the trial court's finding that the State had proved a new law violation by the preponderance of the evidence. However, in his second issue, Mr. Miller correctly argues that the trial court erred by failing to enter a written order of revocation of probation. <u>See Kiburis v.</u> <u>State</u>, 18 So. 3d 1254, 1254 (Fla. 2d DCA 2009). Consequently, we remand for entry of a proper written order. <u>Id.</u>

Affirmed; remanded with instructions.

WALLACE and BLACK, JJ., Concur.