

Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed October 22, 2008.

Not final until disposition of timely filed motion for rehearing.

No. 3D07-690

Lower Tribunal No. 03-3496

Roy Firganza,
Appellant,

vs.

The State of Florida,
Appellee.

An appeal conducted pursuant to Anders v. California, 386 U.S. 738 (1967), from the Circuit Court for Miami-Dade County, Jacqueline Hogan Scola, Judge.

Bennett H. Brummer, Public Defender, and Robert Godfrey, Assistant Public Defender, for appellant; Roy Firganza, in proper person.

Bill McCollum, Attorney General, for appellee.

Before COPE, CORTIÑAS, and LAGOA, JJ.

PER CURIAM.

We reverse that portion of the trial court's Order of Revocation of Probation titled "FAILURE TO PAY COURT COSTS" which provides as follows:

Violation of Condition (L-8A) of the Order of Probation, by failing to make court costs payments to the probation officer, as directed in accordance with the payment instructions of the court, and as grounds for belief that the offender violated his probation, Department of Corrections Records states the offender as of July 19, 2005, has a balance of \$303.00 plus 4% surcharge.

As the record clearly shows that the trial court found that the State of Florida had not met its burden on this issue, this portion of the order was erroneously entered.

We affirm as to all other issues on appeal.