

Third District Court of Appeal

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

Opinion filed October 23, 2008.

Not final until disposition of timely filed motion for rehearing.

No. 3D08-2187

Lower Tribunal Nos. 06-29159; 06-37940

Carlos Del Valle,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Spencer Eig, Judge.

Bennett H. Brummer, Public Defender, and Robert Godfrey, Assistant Public Defender, for appellant.

Bill McCollum, Attorney General, and Heidi Milan Caballero, Assistant Attorney General, for appellee.

Before WELLS, SHEPHERD, and ROTHENBERG, JJ.

PER CURIAM.

Affirmed. See Gonzales v. State, 909 So. 2d 960, 960 (Fla. 3d DCA 2005) (“If the probationer’s defense is inability to pay, ‘it is incumbent upon the probationer or offender to prove by clear and convincing evidence that he or she does not have the present resources available to pay restitution or the cost of supervision despite sufficient bona fide efforts legally to acquire the resources to do so.’ § 948.06(5), Fla. Stat. (2004)”).