

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

TYLER WEISMAN,

Appellant,

v.

Case No. 5D16-27

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 12, 2017

Appeal from the Circuit Court
for Seminole County,
Donna L. McIntosh, Judge.

William R. Ponall, of Ponall Law,
Maitland, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kaylee D. Tatman,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm the trial court's decision revoking Tyler Weisman's probation except as to the alleged violation of special condition E. As to that special condition, we conclude the evidence was insufficient to support the finding of a willful violation. As a result, on remand, the trial court shall strike the finding of a violation of special condition E from the order of revocation. Because it is clear the trial court would have revoked Mr. Weisman's

probation without considering the alleged violation of special condition E, we affirm. See
Lee v. State, 67 So. 3d 1199, 1201-02 (Fla. 2d DCA 2011).

AFFIRMED and REMANDED FOR ENTRY OF CORRECTED ORDER.

SAWAYA, ORFINGER and LAMBERT, JJ., concur.