

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

RICHARD V. FLETCHER,

Appellant,

v.

Case No. 5D19-134

STATE OF FLORIDA,

Appellee.

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Opinion filed December 27, 2019

Appeal from the Circuit Court  
for Orange County,  
John Marshall Kest, Judge.

James S. Purdy, Public Defender, and  
Edward J. Weiss, Assistant Public  
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Douglas T. Squire,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

COHEN, J.

In this Anders<sup>1</sup> proceeding, Richard Fletcher appeals the judgment and sentence entered following his admission to violating his probation. We affirm but remand for entry of a corrected order accurately reflecting the conditions of probation Fletcher violated.

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<sup>1</sup> Anders v. California, 386 U.S. 738 (1967).

Fletcher was on probation for two convictions of lewd or lascivious molestation. In the amended affidavit of violation of probation, the probation officer alleged that Fletcher committed two violations of condition 9 by failing to comply with his instructions, and one violation of condition 18 by failing to follow the rules of electronic monitoring. However, in his explanation of the violations, the probation officer alleged Fletcher violated condition 29, which is the actual condition related to Fletcher's electronic monitoring.<sup>2</sup>

Fletcher executed a plea form, admitting two violations of condition 9 and one violation of condition 29. During the course of the plea colloquy, the trial court inquired:

This is a [sic] admission of violation of multiple conditions on an amended affidavit of violation. It's a Condition 18, a Condition 9, a Condition 29, two other Condition 9s. And you are admitting to those conditions; you understand that?

Fletcher answered affirmatively.

The discrepancy between the executed plea form and the trial court's inquiry is understandable, considering the mistakes in the amended affidavit of violation of probation.<sup>3</sup> Fletcher's plea form correctly identified that Fletcher admitted violating conditions 9 (twice) and 29, but the amended final order stated that Fletcher admitted to violating conditions 9, 18, and 29. Thus, we affirm Fletcher's conviction and sentence, but remand for entry of a corrected order. See Campbell v. State, 972 So. 2d 263 (Fla. 5th

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<sup>2</sup> Condition 18 prohibited Fletcher from having contact with the victim of the underlying convictions unless certain circumstances were met.

<sup>3</sup> In addition to the errors related to the alleged violations, the probation officer stated that Fletcher had a third, non-existent underlying conviction of lewd or lascivious molestation. Nonetheless, the amended final order correctly reflected that Fletcher had only two convictions of lewd or lascivious molestation.

DCA 2008) (affirming order revoking probation but remanding for entry of order reflecting correct grounds for revocation).

AFFIRMED; REMANDED with instructions.

LAMBERT and EDWARDS, JJ., concur.