

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

KENNETH G. MARTIN,

Appellant,

v.

Case No. 5D19-922

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed February 21, 2020

Appeal from the Circuit Court
for Osceola County,
Greg A. Tynan, Judge.

James S. Purdy, Public Defender, and Kathryn
Rollison Radtke, Assistant Public Defender,
Daytona Beach, for Appellant.

Ashley Moody, Attorney General, Tallahassee,
and Wesley Heidt, Assistant Attorney General,
Daytona Beach, for Appellee.

HARRIS, J.

Kenneth Martin appeals the judgment and sentence imposed by the trial court following a violation of probation hearing. The trial court found Martin willfully violated the material terms and conditions of his probation and he was a danger to the community. Because these findings are supported by competent substantial evidence, we affirm on these grounds.

However, the court's judgment was incorrectly labeled "Order of Modification/Restoration of Probation." Both parties concede this was a scrivener's error. We agree that the judgment should be amended so that the title reflects the order is revoking Martin's probation, and we remand to the trial court for this limited purpose. See Daniels v. State, 200 So. 3d 195 (Fla. 5th DCA 2016). Martin does not need to be present when this occurs. See Hayes v. State, 927 So. 2d 15, 16 (Fla. 2d DCA 2006).

AFFIRMED and REMANDED.

WALLIS and LAMBERT, JJ., concur.