

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

ROBERT W. BRIDGER,

Appellant,

v.

Case No. 5D20-2385

LT Case No. 2016-102711-CFDL

STATE OF FLORIDA,

Appellee.

Opinion filed November 19, 2021

Appeal from the Circuit Court
for Volusia County,
Dawn D. Nichols, Judge.

Matthew J. Metz, Public Defender,
and Robert Jackson Pearce, III,
Assistant Public Defender,
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Roberts J.
Bradford, Jr., Assistant Attorney
General, Daytona Beach, for
Appellee.

PER CURIAM.

Robert W. Bridger appeals an order revoking his probation and the resulting sentence. We agree with Bridger that the trial court's finding that he violated condition 26 was not alleged in the affidavit of violation. *Stanley v. State*, 922 So. 2d 411, 415 (Fla. 5th DCA 2006) ("A probationer must be violated for the reasons stated in the affidavit filed, and the reasons must be established by substantial competent evidence at the hearing."); *Richardson v. State*, 694 So. 2d 147, 147 (Fla. 1st DCA 1997) ("The revocation of a defendant's probation based on a violation not alleged in the charging document is a deprivation of the right to due process of law." (citations omitted)); *Wyns v. State*, 679 So. 2d 882, 883 (Fla. 5th DCA 1996) ("Because fundamental due process requires revocation to be based upon only those violations alleged, the order of revocation is reversed." (citation omitted)).

We therefore remand with instructions that the trial court strike the finding that Bridger violated condition 26. See *Brown v. State*, 6 So. 3d 671, 672 (Fla. 2d DCA 2009). We otherwise affirm.

AFFIRMED in part; REVERSED in part; and REMANDED.

WALLIS, EISNAUGLE and SASSO, JJ., concur.