

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

JANUARY TERM 2011

GABRIEL MANUEL VELEZ-PIZZINI,

Appellant,

v.

CASE NO. 5D09-4342

STATE OF FLORIDA,

Appellee.

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Opinion filed April 1, 2011

Appeal from the Circuit Court for
Marion County,
Edward L. Scott, Judge.

Fritz J. Scheller, of Fritz Scheller, P.L.,
Winter Park, and Terrence E. Kehoe, of
Law Offices of Terrence E. Kehoe,
Orlando, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kellie A. Nielan,
Assistant Attorney General, Daytona
Beach, for Appellee.

ON MOTION FOR REHEARING AND REHEARING EN BANC

PER CURIAM.

We grant the State's motion for rehearing and withdraw that portion of our prior opinion of January 28, 2011, which erroneously remanded with directions to strike the special probation condition of First Step Program costs. Although the trial court did not orally announce this condition at sentencing, the appellant raised this procedural

argument in a timely motion to correct sentencing error, which adequately protected his procedural due process rights. *Grubb v. State*, 922 So. 2d 1002, 1004 (Fla. 5th DCA 2006) (en banc). Because the appellant did not raise a substantive objection to this unpronounced, but otherwise unobjectionable special condition, it need not be stricken. *Id.*; *Ladson v. State*, 955 So. 2d 612, 613 (Fla. 2d DCA 2007) (en banc). Accordingly, we affirm appellant's judgment and sentence in full. In light of the above, we deny the State's motion for rehearing en banc as moot.

AFFIRMED.

GRIFFIN, ORFINGER, and LAWSON, JJ., concur.