

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

ROBERT PATRICK GOZIA,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D16-5305

Opinion filed March 24, 2017.

An appeal from the Circuit Court for Escambia County.
Gary L. Bergosh, Judge.

Andy Thomas, Public Defender, Lori A. Willner, Assistant Public Defender,
Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Jason W. Rodriguez and Jennifer J. Moore,
Assistant Attorneys General, Tallahassee, for Appellee.

PER CURIAM.

Appellant, Robert Patrick Gozia, appeals the “Order of Judgment and Sentence” that was entered following the revocation of his probation. Because we

conclude that it was fundamental error to revoke Appellant's probation for failure to complete his community service hours when the Order of Modification of Probation gave him until August 15, 2017, to either perform his ordered community service hours or to buy out his remaining hours, we reverse and remand for the reinstatement of his probation. See Hendricks v. State, 34 So. 3d 819, 828 (Fla. 1st DCA 2010) (discussing an appellate court's duty to correct fundamental error on appeal); Bishop v. State, 21 So. 3d 830, 832 (Fla. 1st DCA 2008) (same).

REVERSED and REMANDED with directions.

ROBERTS, C.J., LEWIS, and WINSOR, JJ., CONCUR.