

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-0722

TERRY JAMES TOWNSEND,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Santa Rosa County.
John F. Simon, Judge.

May 30, 2019

PER CURIAM.

This direct criminal appeal was brought pursuant to *Anders v. California*, 386 U.S. 738 (1967). Having reviewed the entire record, we affirm the trial court's revocation of Appellant's probation and the resulting judgment and sentence. However, we remand for correction of a scrivener's error in the Order of Revocation of Probation, which states, *inter alia*, that Appellant violated conditions of probation (1) and (5) as alleged in charges VI, VII, and VIII, and that Appellant admitted to those violations. The record reflects that Appellant admitted to violating special condition (2) as alleged in charges I-V. It does not reflect that Appellant admitted to violating conditions (1) and (5) as alleged in charges VI, VII, or VIII, nor did the trial court find at the violation of probation hearing that Appellant violated those conditions. The

record also does not reflect that the state attempted to demonstrate a basis to revoke as to those conditions. Rather, the inclusion of those conditions in the order of revocation appears to be a scrivener's error. *See Kemp v. State*, 135 So. 3d 347 (Fla. 1st DCA 2013). On remand, the Order of Revocation of Probation should be corrected to reflect that the revocation is based on the condition of Appellant's probation that he admitted to violating.

MAKAR, OSTERHAUS, and BILBREY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, and Steven L. Seliger, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.