

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D18-2671

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LEEANNA FAYE BAUMGARTNER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Alachua County.  
Phillip A. Pena, Judge.

September 20, 2019

PER CURIAM.

We affirm the revocation of Appellant's probation and resulting sentence but remand the case for entry of a written order that conforms with the trial court's oral pronouncement. *See, e.g., Thompson v. State*, 965 So. 2d 1250, 1251 (Fla. 1st DCA 2007) ("When a conflict exists between an oral revocation pronouncement and the written order revoking probation, the oral pronouncement will control."). Here, the written order details Appellant's violation of conditions (2), (8), and (10), as well as special condition (2) of her probation. However, at hearing, the trial court orally pronounced violations of condition (8) and special condition (2) only.

At hearing, the trial court also orally advised that Appellant would retain the option of performing community service in lieu of

payment of court costs. However, the written order allows performance of community service in lieu of restitution, not court costs. On remand, the trial court should resolve the conflicts between the written order and oral pronouncements.

AFFIRMED and REMANDED with instructions.

ROWE, JAY, and M.K. THOMAS, JJ., concur.

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

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Andy Thomas, Public Defender, and Joel Arnold, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Tabitha R. Herrera, Assistant Attorney General, Tallahassee, for Appellee.