

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-2665

THOMAS KELSEY, III,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
James Daniel, Judge.

November 4, 2020

PER CURIAM.

The judgment and sentence underlying this appeal are affirmed. The trial court, however, orally pronounced that early termination of probation was prohibited, which is impermissible and hereby stricken. *See Capehart v. State*, 202 So. 3d 958 (Fla. 1st DCA 2016). Because “this pronouncement was not reduced to writing, there is no need to remand for correction of the judgment and sentence or the order of probation.” *Id.*

AFFIRMED.

MAKAR, BILBREY, and NORDBY, 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 Glen P. Gifford, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.