

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

---

No. 1D20-267

---

JASON O'NEAL HEWETT,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

---

On appeal from the Circuit Court for Jackson County.  
Wade Mercer, Judge.

October 14, 2020

PER CURIAM.

AFFIRMED. *See Owens v. State*, 1D20-540, 45 Fla. L. Weekly D2011a (Fla. 1st DCA Aug. 25, 2020) (holding that whether section 948.06(2), Florida Statutes, applies to a defendant who committed an offense before the statute was amended, when imposing sentence for a violation of probation, a trial court is limited under subsection 948.06(2)(f)1. to modifying or continuing probation or imposing a sentence of up to 90 days in county jail only when a defendant “meet[s] all four conditions of subsection 948.06(2)(f)1.”)\*

---

\* We decline to address Appellant’s argument, raised for the first time on appeal, that he satisfies all four criteria set forth in subsection 948.06(2)(f)1., Florida Statutes (2019). Appellant

ROWE, WINOKUR, 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 Joel Arnold, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, Benjamin Louis Hoffman, Assistant Attorney General, and Adam B. Wilson, Assistant Attorney General, Tallahassee, for Appellee.

---

conceded below that he did not satisfy sub-subparagraph d. of the statute because he had a previous probation violation.