

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D20-544

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CLEATHA NICKELL MCLEMORE  
SIMMONS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

December 18, 2020

PER CURIAM.

AFFIRMED. *See Owens v. State*, 303 So. 3d 993 (Fla. 1st DCA 2020) (holding that whether section 948.06(2), Florida Statutes (2019), 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 section 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 section 948.06(2)(f)1.”).

ROWE, WINOKUR, and NORDBY, 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, Megan L. Long, Assistant Public Defender, and Kasey Lacey, Assistant Public Defender, Tallahassee, for Appellant.

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