

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

ANDREA D. EDWARDS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D18-3120

[January 8, 2020]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Glenn D. Kelley, Judge; L.T. Case Nos. 15CF011765AWB and 17CF012095AMB.

Carey Haughwout, Public Defender, and Ian Seldin, Assistant Public Defender, West Palm Beach, for appellant.

Ashley Moody, Attorney General, Tallahassee, and Jessenia J. Concepcion, Assistant Attorney General, West Palm Beach, for appellee.

DAMOORGIAN, J.

Andrea D. Edwards appeals an order revoking his probation. Edwards argues the court's written order is contrary to its oral pronouncement because the written order contains violation of probation allegations that did not serve as the factual basis for his plea. Additionally, Edwards asserts that the inclusion of those allegations violated his right against double jeopardy.

We affirm the order of revocation of probation without further comment. However, because the written order revoking probation does not conform to the trial court's oral pronouncement, we remand with directions that the order be corrected to conform to the trial court's oral pronouncement. *See Hamilton v. State*, 578 So. 2d 526, 527 (Fla. 4th DCA 1991); *Turner v. State*, 873 So. 2d 480, 480–81 (Fla. 2d DCA 2004). The corrected order should delete the four grounds which were not orally pronounced at the revocation hearing and did not serve as the factual basis for the admission of violation of probation. The only grounds for the revocation should be: (1) possessing drug equipment; (2) resisting an officer without violence; (3)

driving while license suspended (habitual); (4) fleeing or attempting to elude police with disregard to safety or property; and (5) possessing cocaine with intent to sell.

Affirmed and remanded with instructions.

GERBER and KLINGENSMITH, JJ., concur.

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Not final until disposition of timely filed motion for rehearing.