

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

DAVID SMYLY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-4850

[July 11, 2007]

ON MOTION FOR CLARIFICATION

PER CURIAM.

We grant appellee's motion for clarification, set aside our mandate and withdraw our opinion issued April 11, 2007. We substitute the following opinion to reflect the correct case numbers in the lower tribunal.

Appellant challenges the revocation of his probation, claiming that the trial court erred in denying his motion for discharge under the speedy trial rule. However, Florida Rule of Criminal Procedure 3.191 does not apply to revocation of probation proceedings. *See Piz v. State*, 826 So. 2d 1063 (Fla. 2d DCA 2002); *Gonzalez v. State*, 447 So. 2d 381, 382 (Fla. 3d DCA 1984). We therefore affirm but remand for the trial court to enter a written order of revocation of probation.

Affirmed and remanded.

WARNER, POLEN and HAZOURI, JJ., CONCUR.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Stanton Kaplan, Judge; L.T. Case Nos. 99-003544 CF10A, 99-016161CF10A and 00-001777CF10A.

David Smyly, Boca Raton, pro se.

Bill McCollum, Attorney General, Tallahassee, and Thomas A. Palmer, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.