

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

KURTIS BARNES,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-419

[November 21, 2007]

POLEN, J.

Appellant Kurtis Barnes timely appeals the revocation of probation for possession of cocaine with intent to deliver and sentence of fifteen years in Florida state prison.

Barnes argues that the amendment of the date of the crime, coming as it did in the middle of the hearing, was substantial and prejudicial. Barnes claims he is entitled to a new hearing as his right to a fair hearing was violated. We affirm on that issue but remand with instructions to enter a written order specifying the conditions of probation which Barnes was found to have violated and which conforms to the court's oral declarations. *See Moss v. State*, 617 So. 2d 473 (Fla. 4th DCA 1993); *Madoses v. State*, 511 So. 2d 1132 (Fla. 4th DCA 1987); *Jordan v. State*, 389 So. 2d 224 (Fla. 2d DCA 1986).

Affirmed and Remanded with instructions.

KLEIN and MAY, JJ., concur.

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Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Elijah H. Williams, Judge; L.T. Case No. 03-10804 CF10A.

Carey Haughwout, Public Defender, and Patrick B. Burke, Assistant

Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Laura Fisher Zibura, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing