

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

ANDRE PAYNE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D09-5289

[April 27, 2011]

PER CURIAM.

Appellant, Andre Payne, appeals the trial court's oral revocation of his community control due to a new offense in violation thereof. We find that the trial court erred when it failed to reduce the oral pronouncement to a written order.

Payne was on probation which was modified to include six months of community control. Upon being charged with aggravated battery with a deadly weapon in violation of his community control, the trial court orally pronounced the revocation of the community control. However, the trial court failed to enter a written order for the same.

This court remands the case for entry of a written order which conforms with the oral pronouncement by the trial court. This act is ministerial for future reference, is not a resentencing, and does not require the presence of the defendant.

Remanded.

GROSS, C.J., POLEN and DAMOORGIAN, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Geoffrey D. Cohen, Judge; L.T. Case No. 08-429 CF10A.

Carey Haughwout, Public Defender, and Ellen Griffin, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.