

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DARRIOHN MYVAR PRYOR,)	
)	
Appellant,)	
)	
v.)	Case No. 2D13-3753
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed November 7, 2014.

Appeal from the Circuit Court for Pasco
County; Pat Siracusa, Judge.

Howard L. Dimmig, II, Public Defender, and
Bruce P. Taylor, Assistant Public Defender,
Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, for Appellee.

MORRIS, Judge.

Darriohn Pryor appeals the revocation of his probation for possession of cocaine and his resulting prison sentence. We remand for the trial court to strike the violation of condition 43 from the order of revocation because the State offered only hearsay evidence, through the testimony of the probation officer, to support that violation. See Beecham v. State, 652 So. 2d 1275, 1275 (Fla. 3d DCA 1995).

However, we affirm the revocation of Pryor's probation because it is clear that the trial court would have revoked his probation based on the other two violations. See Bernier v. State, 951 So. 2d 21, 22 (Fla. 2d DCA 2007).

Affirmed; remanded.

KHOUZAM and CRENSHAW, JJ., Concur.