

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

SONNY GARCIA,)	
)	
Appellant,)	
)	
v.)	Case No. 2D13-6251
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed December 3, 2014.

Appeal from the Circuit Court for Lee County;
Edward J. Volz, Jr., Judge.

Howard L. Dimmig, II, Public Defender, and
Richard P. Albertine, Jr., Assistant Public
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Gillian N. Leytham,
Assistant Attorney General, Tampa, for
Appellee.

MORRIS, Judge.

Sonny Garcia appeals the revocation of his sex offender probation for the offense of possession of child pornography and his resulting sentence of forty-eight months in prison. We affirm the revocation of his probation because there was competent, substantial evidence to support the trial court's finding that Garcia

"intentional[ly] disregard[ed] . . . the GPS monitoring rules," constituting a willful and substantial violation of probation. Correa v. State, 43 So. 3d 738, 745 (Fla. 2d DCA 2010) (noting that "noncompliance with the rules [that] results from equipment problems or the subject's unintentional failure to operate the equipment properly . . . does not rise to the level of a willful and substantial violation of probation" but that "intentional disregard of the GPS monitoring rules, tampering with the equipment, or actual violations of curfew or other activity restrictions will generally amount to willful and substantial violations"); see also State v. Carter, 835 So. 2d 259, 262 (Fla. 2002) ("The trial court is in a better position to identify the probation violator's motive, intent, and attitude and assess whether the violation is both willful and substantial.").

Affirmed.

DAVIS, C.J., and LaROSE, J., Concur.