

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

NICHOLAS STEVE MALAMATOS,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D18-1247

Opinion filed February 27, 2019.

Appeal from the Circuit Court for
Hillsborough County; Nick Nazaretian,
Judge.

Howard L. Dimmig, II, Public Defender,
and Stephania A. Gournaris, Assistant
Public Defender, Bartow, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Blain A. Goff, Assistant
Attorney General, Tampa, for Appellee.

PER CURIAM.

Nicholas Malamatos appeals from the order revoking his probation. We
affirm the order without comment based on the trial court's finding that Malamatos

willfully and substantially violated condition 5 of his probation. However, we remand for the trial court to strike the finding that Malamatos violated condition 8 of his probation and to enter a corrected revocation order. See King v. State, 915 So. 2d 764, 765 (Fla. 2d DCA 2005) (concluding that the State failed to meet its burden of proving a willful and substantial violation of the community service hours condition of probation, affirming the revocation of probation, and remanding for the trial court to strike the finding that appellant violated the community service hours condition); see also Bryant v. State, 931 So. 2d 251, 253 (Fla. 2d DCA 2006) ("Bryant's failure to submit documentation of his community service hours cannot support a finding that he violated condition 27 of his probation, which requires only actual performance of the work itself.").

Affirmed but remanded for entry of a corrected probation revocation order.

KHOUZAM, BLACK, and BADALAMENTI, JJ., Concur.