

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MICHAEL DAVID PINELLO,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D19-1918

Opinion filed May 22, 2020.

Appeal from the Circuit Court for Polk
County; William D. Sites, Judge.

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

Ashley Moody, Attorney General,
Tallahassee, for Appellee.

ROTHSTEIN-YOUAKIM, Judge.

Michael Pinello seeks review of the trial court's May 2019 order revoking his probation and imposing sentence. Following our independent review of the record pursuant to Anders v. California, 386 U.S. 738 (1967), see also In re Anders Briefs, 581 So. 2d 149 (Fla. 1991), we affirm without comment the revocation of his probation and resulting sentence but remand for entry of a corrected written order of revocation that is

consistent with the trial court's oral pronouncement. See, e.g., Jones v. State, 221 So. 3d 736, 736 (Fla. 2d DCA 2017) (remanding "solely to have the trial court enter a written revocation order that matches its oral pronouncement after the violation hearing").

In the violation affidavit, the State alleged two violations of condition five and one violation each of condition nine, special condition seven, and special condition nine. At the revocation hearing, the trial court stated that it found the evidence sufficient to establish one violation of condition five and the violations of condition nine and special condition seven. The written order, however, states generally that "the court finds the defendant is in violation and that the violations are willful and substantial."

In its written order of revocation, the trial court is required to specify the conditions of probation that it found to have been violated. Cato v. State, 845 So. 2d 250, 251 (Fla. 2d DCA 2003) ("[T]he trial court is required to enter a formal order of violation of probation that lists the specific conditions the court determined Cato violated." (emphasis omitted)). That written order "must conform to the oral pronouncement at the hearing." Narvaez v. State, 674 So. 2d 868, 869 (Fla. 2d DCA 1996) (first citing Corona v. State, 642 So. 2d 667 (Fla. 3d DCA 1994); and then citing Hawthorne v. State, 583 So. 2d 425 (Fla. 1st DCA 1991)).

Here, the trial court's written order fails to specify the conditions that it found Pinello to have violated. Accordingly, we remand for the court to enter a written order that specifies those conditions consistent with its oral pronouncement.

Affirmed; remanded with instructions.

MORRIS and SALARIO, JJ., Concur.