Third District Court of Appeal

State of Florida

Opinion filed August 12, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-2287
Lower Tribunal Nos. 17-10849 and 17-10851B

Travion McKnight,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Charles K. Johnson, Judge.

Carlos J. Martinez, Public Defender, and Stephen J. Weinbaum, Assistant Public Defender, for appellant.

Ashley Moody, Attorney General, and Kseniya Smychkouskaya, Assistant Attorney General, for appellee.

Before EMAS, C.J., and SCALES and GORDO, JJ.

PER CURIAM.

Affirmed. See Adams v. State, 946 So. 2d 583 (Fla. 4th DCA 2006) (holding that the State must prove a deliberate and willful violation of probation by the greater weight of the evidence, and an appellate court should not reverse a revocation of probation unless it is shown that the trial court abused its discretion). See also State v. Queior, 191 So. 3d 388, 392 (Fla. 2016) (observing: "A probation officer 'testifying at hearing, subject to cross-examination, to what [he or] she personally did and observed . . . is classic non-hearsay testimony.'") (internal citation omitted); A.J.D. v. State, 842 So. 2d 297 (Fla. 3d DCA 2003) (observing that hearsay is admissible in revocation proceedings, but hearsay cannot serve as the sole basis for revocation); Hall v. State, 744 So. 2d 517, 520-21 (Fla. 3d DCA 1999) (reaffirming that "probation can be revoked on the basis of hearsay if that hearsay is corroborated by other non-hearsay evidence"); Thomas v. State, 711 So. 2d 96 (Fla. 4th DCA 1998) (holding that non-hearsay evidence includes out-of-court statements made by the defendant which, though technically hearsay, would be admissible at trial as an exception to the hearsay rule).