

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA

THIRD DISTRICT

JULY TERM, A.D. 2001

RAYMOND RAMIREZ,

**

Appellant,

**

vs.

** CASE NO. 3D00-3323

THE STATE OF FLORIDA,

** LOWER

Appellee.

**

TRIBUNAL NO. 99-13132
99-13128

Opinion filed August 29, 2001.

An appeal from the Circuit Court for Miami-Dade, Ellen
Leesfield, Judge.

Bennett H. Brummer, Public Defender and Shaundra L. Kellam,
Assistant Public Defender, for appellant.

Robert A. Butterworth, Attorney General, and Michael Neimand,
Assistant Attorney General, and Ana Cristina Lloyd, Certified Legal
Intern, for appellee.

Before JORGENSON, LEVY, and GREEN, JJ.

PER CURIAM.

The record evidence before us does not support the appellant's
argument on appeal that the trial court abused its discretion when
it revoked the appellant's probation for his failure to fulfill the

special condition that he obtain a GED degree. We do, however, reverse that portion of the revocation order finding that the appellant also violated his probation by failing to pay court costs, where that charge was dismissed by the court at the hearing below. We therefore remand this cause for the court to reconsider its sentence without the inclusion of appellant's failure to pay costs.

Affirmed in part. Reversed and remanded in part.