

# Third District Court of Appeal

State of Florida, July Term, A.D. 2011

Opinion filed October 26, 2011.

Not final until disposition of timely filed motion for rehearing.

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No. 3D11-27

Lower Tribunal No. 05-39653

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**John Lucius Rose,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jorge E. Cueto, Judge.

Gabriela C. Novo, for appellant.

Pamela Jo Bondi, Attorney General, and Shayne R. Burnham, Assistant Attorney General, for appellee.

Before RAMIREZ and SHEPHERD, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

We reject both of Rose's arguments on appeal, holding (a) that the evidence was amply sufficient to show that defendant intentionally and substantially

violated the terms of his probation by, among other things, deliberately tampering with his required monitoring device, see *Correa v. State*, 43 So. 3d 738, 745 (Fla. 2d DCA 2010) (recognizing 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 of the conditions imposed”), and (b) that the sentence imposed upon revocation of the defendant’s probation was not legally “vindictive.” See *Snow v. Crosby*, 851 So. 2d 222 (Fla. 3d DCA 2003).

Affirmed.