

FIFTH DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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Case No. 5D2024-0675  
LT Case No. 2023-300312-CFDB

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TYRELL L. LOVE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Volusia County.  
Kathryn D. Weston, Judge.

Matthew J. Metz, Public Defender, and Judson Searcy, Assistant  
Public Defender, Daytona Beach, for Appellant.

John M. Guard, Acting Attorney General, Tallahassee, and  
Richard A. Pallas, Jr., Assistant Attorney General, Daytona  
Beach, for Appellee.

January 31, 2025

PER CURIAM.

This is an *Anders*<sup>1</sup> appeal from the March 14, 2024 order  
revoking Appellant's, Tyrell L. Love, probation and sentencing him

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<sup>1</sup> *Anders v. California*, 386 U.S. 738 (1967).

to forty-five (45) months in the Department of Corrections with credit for 125 days time served on Count I. The affidavit asserting he violated probation identified two counts of violating condition 5: first, by driving while his license was suspended, and second, by unlawful possession of another's personal identification.

We affirm the sentence and the trial court's finding that he willfully violated condition 5 of the terms of his probation by committing a new law violation, namely driving a motor vehicle while his license was suspended. Appellant's counsel argued below and the trial court orally pronounced that the State failed to prove the second violation of condition 5. However, the current order revoking probation erroneously indicates that the revocation of Appellant's probation was based on both charged violations of condition 5. Accordingly, we remand for entry of a corrected order of revocation to reflect a willful violation of condition 5 based only on Appellant driving while his driver's license was suspended and either deleting any reference to the second condition 5 violation or stating that it was dismissed. *See Hatcher v. State*, 392 So. 3d 607 (Fla. 5th DCA 2024) (citing *Font v. State*, 299 So. 3d 627 (Fla. 5th DCA 2020)).

AFFIRMED; REMANDED with instructions.

EDWARDS, C.J., and JAY and KILBANE, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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