

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR PASCO COUNTY CRIMINAL DIVISION

STATE OF FLORIDA

v.

Case No.: 12-0135CFAES
UCN: 512012CF000135A000ES

EDWARD BAKER
SPN: 00641107

**ORDER GRANTING DEFENDANT'S MOTION TO
CORRECT SENTENCING ERROR; DIRECTIONS TO CLERK**

THIS CAUSE came before the Court upon Defendant's Motion to Correct Sentencing Error, filed on September 17, 2013, pursuant to Florida Rule of Criminal Procedure 3.800(b)(2). On September 18, 2013, this Court directed the State to respond to Defendant's motion. The State filed a timely response on September 30, 2013. Having reviewed Defendant's motion, the State's response, the record, and applicable law, this Court finds as follows:

On February 25, 2012, the Defendant entered a no contest plea to one count possession of burglary tools and one count grand theft and was sentenced in the above-styled case number to two years' probation. On October 29, 2012, the Defendant was charged with violation of probation. On May 3, 2013, Defendant was found by this Court to be in violation of probation and was sentenced to two years' imprisonment on each count, each sentence to run concurrently with the other. *See Exhibit A: Judgment and Sentence; Exhibit B: Disposition on Violation of Probation/Community Control.* Defendant's appeal of his convictions and sentences is currently pending in the Second District Court of Appeal in appellate case number 2D13-2491.

On September 17, 2013, Defendant filed the instant Motion to Correct Sentencing Error, alleging that the written order revoking his probation does not specifically list which conditions of probation he was found to have violated: conditions 1, 2, 3, 9 and 10. On September 18, 2013, this Court directed the State to respond to this claim. On September 30, 2013, the State filed a timely response.¹

¹ The State's September 30, 2013 "Response to Defendant's Motion to Correct Sentencing Error" is hereby incorporated by reference.

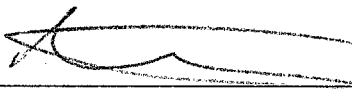
In its response, the State concedes that the Disposition on Violation of Probation is deficient as it does not list the specific conditions which the Court found to have been violated by Defendant. The State agrees that an amended order of revocation listing the specific conditions the court found to have been violated should be filed. See Fla. R. Crim. P. 3.995. Accordingly, Defendant's motion is granted.

Therefore, it is

ORDERED AND ADJUDGED that Defendant's Motion to Correct Sentencing Error is hereby **GRANTED**.

THE CLERK OF THE CIRCUIT COURT is hereby directed to amend the Disposition on Violation of Probation/Community Control entered on May 13, 2013 in case number 12-0135CFAES, to reflect the specific conditions of probation which the Court found to have been violated by the Defendant: conditions 1, 2, 3, two violations of condition 9, and 10.

DONE AND ORDERED in Chambers at Dade City, Pasco County, Florida, this 2nd day of October, 2013.



Pat Siracusa Circuit Judge

Copies to:

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