

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JULY TERM 2009

DAVID ALLEN DELORE,

Appellant,

v.

Case No. 5D08-4173

STATE OF FLORIDA,

Appellee.

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Opinion filed October 9, 2009

Appeal from the Circuit Court  
for Citrus County,  
Richard A. Howard, Judge.

James S. Purdy, Public Defender, and  
David S. Morgan, Assistant Public  
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Carlos A. Ivanor, Jr.,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

We affirm the conviction for violation of probation based upon the condition 5 violation. However, as the State concedes, the Order of Revocation of Probation finds violations of other conditions for which no evidence was offered. We therefore remand this cause with instructions that the trial court strike all references to violations other than condition 5. Appellant need not be present.

AFFIRMED AND REMANDED.

PALMER, TORPY and EVANDER, JJ., concur.