

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Frances Annette Gonzalez v. State of Florida

Gonzalez · No. 5D2024-2204 · Decided April 11, 2025

SUMMARY

The Fifth District Court of Appeal affirmed the revocation of Frances Annette Gonzalez's probation following her admitted violation and failure to participate in drug court. The court held that the revocation was lawful but remanded for correction of a scrivener's error so that the revocation order accurately reflected the basis for the revocation.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Makar, J.; Wallis, J.; Jay, J.
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	April 11, 2025
DOCKET	5D2024-2204
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order revoking probation and imposing a prison sentence.
PRECEDENTIAL VALUE	Published opinion of the Fifth District Court of Appeal of Florida.
PARTIES	Frances Annette Gonzalez v. State of Florida

TOPICS

- probation
- criminal procedure
- appellate procedure
- preservation of error

PRACTICE AREAS

- criminal law
- criminal procedure
- probation and supervised release
- appellate procedure

QUESTIONS PRESENTED

- Whether the trial court lawfully revoked Gonzalez's probation based on her admitted probation violation and conceded failure to participate in drug treatment court, despite a written revocation order identifying additional violations that she had not admitted.

2. Whether the discrepancy between the trial court's oral pronouncement and the written revocation order required reversal of the probation revocation or only remand for correction of the order.

HOLDINGS

1. The probation revocation was lawful because the trial court revoked probation based on Gonzalez's admitted violation and her subsequent concession that she failed to participate in drug treatment court while her sentence was held in abeyance.
2. The discrepancy between the oral pronouncement and written revocation order was a scrivener's error requiring remand for correction, but it did not require reversal of the revocation.

KEY QUOTATIONS

“Normally, the erroneous citation to a probation condition is considered a scrivener’s error that has been found to be harmless.” (at 2)

FACTUAL BACKGROUND

Gonzalez pleaded no contest to three drug offenses in exchange for four years of drug-offender probation. She later admitted using a controlled substance in violation of probation, and the trial court held her sentence in abeyance while enrolling her in drug treatment court. After she failed to complete the program and acknowledged that she had been hiding from the warrant and the court, the trial court revoked probation and imposed a prison sentence. The written revocation order identified violations alleged in a later affidavit that Gonzalez had not admitted, although the appellate record showed that the court revoked probation based on her earlier admission and her conceded failure to participate in drug treatment court.

PROCEDURAL HISTORY

Gonzalez pleaded no contest to three drug offenses pursuant to an agreement providing for four years of drug-offender probation. After she admitted an initial probation violation, the trial court held her sentence in abeyance and placed her in drug treatment court. Following allegations of additional violations and her failure to complete drug treatment court, the trial court revoked probation and sentenced her to prison. Gonzalez appealed, arguing that the revocation order relied on violations she had not admitted and that the record did not support those findings.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The trial court shall enter an order that accurately reflects why it revoked Gonzalez's probation, including the violation supported by her admission and her conceded failure to participate in drug treatment court.

CASES CITED

- Connell v. State, 321 So. 3d 923, 924–25 (Fla. 5th DCA 2021)

- Brockhaus v. State, 325 So. 3d 122, 123 (Fla. 5th DCA 2020)
- Daniels v. State, 200 So. 3d 195, 195–96 (Fla. 5th DCA 2016)
- Romine v. State, 184 So. 3d 1172, 1173–74 (Fla. 2d DCA 2015)

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