

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JAMES WITT,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D16-3689

Opinion filed March 28, 2018.

Appeal from the Circuit Court for Polk
County; Glenn T. Shelby, Judge.

Howard L. Dimmig, II, Public Defender,
and Tosha Cohen, Assistant Public
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Susan M. Shanahan,
Assistant Attorney General, Tampa,
for Appellee.

PER CURIAM.

James Witt appeals the circuit court's order revoking his probation in case
number 2010-CF-1118 and his resulting sentence. The State has conceded error in
part. We accept the State's concession of error and reverse and remand in part, with

instructions for the circuit court to enter an amended sentence that (1) strikes Mr. Witt's designation as a habitual felony offender and (2) imposes a corrected \$100 cost of prosecution fee under section 938.27(8), Florida Statutes (2016).

Additionally, following revocation the circuit court entered a new judgment in 2010-CF-1118. "Duplicative adjudications of guilt after revocation of probation or community control are superfluous, are unauthorized, and can cause undue confusion in future proceedings." Butler v. State, 195 So. 3d 1147, 1148 (Fla. 2d DCA 2016); see also Pierce v. State, 150 So. 3d 1207, 1208-09 (Fla. 2d DCA 2014). Thus, we reverse the unauthorized judgment. We affirm the circuit court's order revoking Mr. Witt's probation and the resulting sentence in all other respects.

Affirmed in part, reversed in part, and remanded with instructions.

NORTHCUTT, BLACK, and LUCAS, JJ., Concur.