

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

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

JAMES V. MARTIN,

Appellant,

v.

Case No. 5D12-2747

STATE OF FLORIDA,

Appellee.

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Opinion filed April 11, 2014

Appeal from the Circuit Court for  
Orange County,  
Emerson R. Thompson, Jr., Senior Judge

James S. Purdy, Public Defender, and  
Noel A. Pelella, Assistant Public  
Defender, Daytona Beach, for  
Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Ann M. Phillips,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PALMER, J.

James V. Martin timely appeals his judgment and sentences, entered by the trial court after a jury found him guilty of attempted second degree murder and aggravated battery. We conclude that there is no reversible error with regard to those convictions and sentences; therefore, we affirm same. However, the written judgment erroneously included a conviction for attempted voluntary manslaughter, even though that conviction

had been dismissed by the trial court on double jeopardy grounds. The State properly concedes error.

Accordingly, we affirm the defendant's judgment and sentences for attempted second degree murder and aggravated battery, but remand for correction of the written judgment to reflect the dismissal of the attempted first degree murder conviction.

AFFIRMED; REMANDED for correction of judgment.

EVANDER and BERGER, JJ., concur.