

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

TONEY MOBLEY, JR.,

Appellant,

v.

Case No. 5D14-3949

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 15, 2015.

3.850 Appeal from the Circuit Court
for Lake County,
William G. Law, Jr, Judge.

Toney Mobley, Jr., Crawfordville, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Samuel A. Perrone,
Assistant Attorney General, Daytona
Beach, for Appellee.

WALLIS, J.

Appellant appeals the summary denial of his amended motion for postconviction relief under Florida Rule of Criminal Procedure 3.850, alleging discrepancies between the oral pronouncement and written documentation of his sentence. The trial court unambiguously awarded Appellant credit for "time originally served" during the oral pronouncement. However, Appellant's written sentence does not address the entitlement

to prison credit. The oral pronouncement controls. Conley v. State, 146 So. 3d 1266 (Fla. 5th DCA 2014). We therefore reverse and remand for the trial court to amend the written sentence to include Appellant's entitlement to prison credit.

Appellant's second ground for relief concerns a discrepancy regarding his designation at sentencing. The trial court orally pronounced Appellant as a "violent felony offender of special concern." The written sentence inaccurately designates Appellant as a "habitual violent felony offender." We remand for the trial court to correct this error and enter a sentence consistent with the oral pronouncement.

Appellant's remaining grounds on appeal are without merit.

AFFIRMED in Part; REVERSED in Part; and REMANDED with Instructions.

SAWAYA and COHEN, JJ., concur.