

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

BOBBY W. MILLER,

Appellant,

v.

Case No. 5D14-4154

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed January 23, 2015

3.800 Appeal from the Circuit Court
for Sumter County,
William H. Hallman, III, Judge.

Bobby Miller, Chipley, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, Marjorie Vincent-Tripp, and
Ann M. Phillips, Assistant Attorney
Generals, Daytona Beach, for Appellee.

PER CURIAM.

The lower court denied Appellant's postconviction motion, which challenged the legality of his sentence on Count IV. The State concedes error because the oral pronouncement of a sixteen-year sentence on Count IV, involving a second-degree felony, exceeds the statutory maximum of fifteen years. Although the parties are technically correct, because the written sentencing order correctly imposes a fifteen-year sentence on Count IV, remand is unnecessary. The oral pronouncement of a

sixteen-year sentence on Count IV is stricken, and the written sentence is affirmed without modification.

AFFIRMED.

TORPY, C.J., COHEN and BERGER, JJ., concur.