

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

KELLY SWAIN LUCAS,

Appellant,

v.

Case No. 5D15-1155

STATE OF FLORIDA,

Appellee.

Opinion filed October 9, 2015

Appeal from the Circuit Court
for Citrus County,
Richard A. Howard, Judge.

Kelly S. Lucas, Wewahitchka, pro se.

James S. Purdy, Public Defender,
and John M. Selden, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for Appellee.

WALLIS, J.

We affirm this Anders¹ appeal in all respects. However, we note that the judgment contains a scrivener's error in stating Appellant's conviction for aggravated battery with a

¹ Anders v. California, 386 U.S. 738 (1967).

deadly weapon. The jury found Appellant guilty of the lesser-included offense of aggravated assault with a deadly weapon, and the lower court adjudicated Appellant guilty of aggravated assault, "the lesser included offense as found by the jury." Thus, we remand this case for correction of the scrivener's error on the judgment. See, e.g., Downey v. State, 114 So. 3d 356 (Fla. 5th DCA 2013) (affirming an Anders appeal but remanding for correction of scrivener's errors).

AFFIRMED AND REMANDED WITH INSTRUCTIONS.

BERGER and EDWARDS, JJ., concur.