

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

ANTHONY M. BAILEY,

Appellant,

v.

Case No. 5D15-991

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed August 7, 2015

3.800 Appeal from the Circuit Court
for Volusia County,
Frank Marriott, Judge.

Anthony M. Bailey, Chipley, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Andrea K. Totten,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Anthony M. Bailey appeals the summary denial of his motion to correct illegal sentence, filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Although we affirm Bailey's sentences, we remand for entry of a new probation order that correctly reflects the orally pronounced sentences.

Bailey originally pled no contest to three financial crimes, including two first-degree felonies and one third-degree felony. As to the more serious crimes, the trial court

imposed concurrent sentences of ninety months in prison followed by sixty months of probation. Based upon a stipulation by the parties, Bailey's sentence on the third crime was later pronounced as a sixty-month probationary sentence to be served concurrently with the probationary portion of the sentences imposed on the first two counts. However, the "Corrected Order of Probation" entered to effectuate the stipulation incorrectly indicates that: (1) the ninety-month prison sentences imposed on the first two counts were "withheld" in favor of probation; (2) Bailey is to be incarcerated during a portion of his probationary sentence, as a condition of probation; and (3) the probationary sentence on the third count was to be served concurrently with any active sentence (as opposed to concurrently with the probationary portion of the sentences imposed on the first two counts). Accordingly, we remand with instructions that the trial court enter a new Corrected Order of Probation that accurately reflects the orally pronounced sentences.

AFFIRMED; REMANDED WITH INSTRUCTIONS.

LAWSON, C.J., TORPY and EVANDER, JJ., concur.