

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

JANUARY TERM 2013

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

BRYAN K. GORDON,

Appellant,

v.

Case No. 5D12-4341

STATE OF FLORIDA,

Appellee.

Opinion filed May 3, 2013

3.800 Appeal from the Circuit Court
for Orange County,
Bob LeBlanc, Judge.

Bryan K. Gordon, Lake City, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Carmen F. Corrente,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Appellant challenges the denial of his rule 3.800(a) motion to correct sentence. We affirm in all respects, except Appellant's claim that the sentences on counts one and four should be concurrent, rather than consecutive. As the State acknowledges, these two counts arose from the same criminal episode; consequently, the minimum mandatory sentences on these counts should run concurrently. *Palmer v. State*, 438 So. 2d 1 (Fla. 1983). On remand, the trial court shall correct the judgment to reflect that

the sentences on these counts shall be served concurrently. Appellant need not be present.

AFFIRMED AND REMANDED.

PALMER, TORPY and EVANDER, JJ., concur.