

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

ROBERT EUGENE PHILYAW, II,

Appellant,

v.

Case No. 5D13-2812

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed February 21, 2014

Appeal from the Circuit
Court for Marion County,
Hale R. Stancil, Judge.

James S. Purdy, Public Defender, and
Matthew Funderburk, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Ann M. Phillips,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Appellant was convicted of sexual battery on a person under twelve years of age in violation of section 794.011(2), Florida Statutes (count I), and two counts of sexual battery on a person older than twelve but less than eighteen years of age in violation of section 794.011(8)(b), Florida Statutes (counts II and III). We affirm those convictions without further discussion. We remand this case to the trial court to correct a

scrivener's error in the judgment regarding count I, which incorrectly reflects that Appellant was convicted of violating section 794.011(8)(b): the correct statute citation is section 794.011(2).

AFFIRMED and REMANDED with instructions.

SAWAYA, PALMER, and GRIFFIN, JJ., concur.