

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

RUBEN DIAZ,

Appellant,

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

v.

CASE NO. 1D04-4365

STATE OF FLORIDA,

Appellee.

Opinion filed September 2, 2005.

An appeal from an order of the Circuit Court for Duval County.
John H. Skinner, Judge.

Nancy A. Daniels, Public Defender, and Pamela Presnell, Assistant Public Defender;
Ruben Diaz, pro se, for appellant.

Charlie Crist, Attorney General, Tallahassee, for appellee.

PER CURIAM.

We affirm appellant's judgment and sentence but remand for correction of a scrivener's error contained in the written judgment. The judgment erroneously cites to section 893.135(5), Florida Statutes, when the correct statutory citation for the offense of a violation of the Racketeer Influenced Corruption Organization Act as charged against appellant is section 895.03, Florida Statutes (2002).

AFFIRMED and REMANDED with instructions.

BENTON, PADOVANO and BROWNING, JJ., concur.