

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JOSEPH CUTRONE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D17-435

[December 6, 2017]

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Dennis D. Bailey, Judge; L.T. Case No. 13-8247 CF10A.

Carey Haughwout, Public Defender, and Ian Seldin, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and James J. Carney, Senior Assistant Attorney General, West Palm Beach, for appellee.

ON CONFESSION OF ERROR

PER CURIAM.

Joseph Cutrone appeals the court's denial of his motion to correct sentencing error. In the underlying prosecution, the State filed a two-count information charging Cutrone with one count of possession of a firearm by a convicted felon and one count of possession of ammunition by a convicted felon. Cutrone and the State ultimately agreed that Cutrone would enter a plea of no contest as to the charge of possession of a firearm by a convicted felon. In exchange for his plea as to that count of the information, the State agreed he would be sentenced to 18.15 months imprisonment as a habitual felony offender. After Cutrone orally changed his plea on Count I, the court accepted his plea and orally sentenced him in accordance with the plea agreement. Later, the court issued a written sentencing order in conformity with the agreement and the court's oral sentence. However, the court's written judgment reflected a conviction as to both counts of the information. Cutrone's motion to correct the error in the court's judgment was denied, and he appeals.

On appeal, the State concedes error. Therefore, the court's order denying the motion to correct sentencing error is reversed and the case is remanded with instructions to correct the error in the written judgment.

Reversed and remanded.

FORST, KLINGENSMITH and KUNTZ, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.