

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

TIMOTHY ALBRITTON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D04-2356

[October 5, 2005]

PER CURIAM.

We affirm the judgment and sentence, but remand for modification to clarify that the twenty-year term of the sentence in count III is imposed under section 775.087(2), Florida Statutes (10-20-life), and is not based on Albritton's status as a habitual offender.

STONE, GROSS and HAZOURI, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Fred Berman, Judge; L.T. Case No. 03-10221 CF 10A.

Carey Haughwout, Public Defender, and Anthony Calvello, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.