

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

TYRONE SCOTT,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D04-4698

[November 16, 2005]

PER CURIAM.

Affirmed. *See Robinson v. State*, 373 So. 2d 898 (Fla. 1979); *Prince v. State*, 885 So. 2d 967, 968 (Fla. 4th DCA 2004) (“Absent an express reservation of the right to appeal, a defendant may not appeal from a judgment entered pursuant to a nolo contendere plea.”).

However, we remand the case to the trial court with directions for it to re-enter, *nunc pro tunc*, the judgment and mitigated sentences it entered on December 3, 2004, after the appellant’s filing of his notice of appeal had divested the trial court of jurisdiction.

FARMER, SHAHOOD and GROSS, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Cynthia Imperato, Judge; L.T. Case No. 03-8221 CF10A.

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

Charles J. Crist, Jr., Attorney General, Tallahassee, and Jeanine M. Germanowicz, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.