

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

BRIAN D. KABLITZ,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-1034

[February 6, 2008]

PER CURIAM.

Brian D. Kablitz appeals his judgment of convictions and sentences for aggravated battery on a person 65 years of age or older and robbery. We affirm on all issues raised by appellant, except as to his claim that the sentencing scoresheet erroneously included a crime for which he was acquitted. The record reflects that appellant filed a motion to correct this sentencing error during the pendency of this appeal. However, because the record contains no response from the state or order by the trial court on appellant's motion, we reverse and remand for further proceedings limited to this claim of a scoresheet error.

Affirmed in part; Reversed in part and Remanded.

SHAHOOD, C.J., FARMER and TAYLOR, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Stephen A. Rapp, Judge; L.T. Case No. 04-14805CF A02.

Steven H. Malone of Steven H. Malone, P.A., West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Daniel P. Hyndman, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing