

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

**ROY TIJERINA,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D07-2377

[April 16, 2008]

PER CURIAM.

We affirm the defendant's conviction and sentence. However, we remand the case to the trial court to correct a scrivener's error. *St. Georges v. State*, 948 So. 2d 1008 (Fla. 4th DCA 2007). The first prior offense listed on the scoresheet is aggravated assault, which is listed as a violation of section 784.03, Florida Statutes. Section 784.03 is the battery statute. The actual section number for aggravated assault is 784.021. We therefore remand the case to the trial court for correction of the error.

*Affirmed, but remanded for correction of a scrivener's error.*

POLEN, GROSS and MAY, JJ., concur.

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Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; Sherwood Bauer, Jr., Judge; L.T. Case No. 2005-CF-833.

Carey Haughwout, Public Defender, and Alan T. Lipson, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Myra J. Fried, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing***