

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

ALBERT COON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-3020

[April 23, 2008]

PER CURIAM.

We affirm the conviction and sentence in this *Anders*¹ appeal. However, our review of the record indicates an error in sentencing.

After entering a plea, the defendant was convicted of manufacturing or possessing cannabis in an amount greater than 25, but less than 2,000 pounds, and using or possessing drug paraphernalia. See §§ 893.135(1)(a)1., 893.147(1), Fla. Stat. (2006). The fine for a violation of section 893.135(1)(a)1. is \$25,000. See § 893.135(1)(a)1. The trial court imposed a fine of \$50,000. However, an unpreserved sentencing error cannot be corrected in an *Anders* appeal. We therefore affirm without prejudice to the defendant's filing of an appropriate post-conviction motion.

Affirmed.

POLEN, GROSS and MAY, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ilona M. Holmes, Judge; L.T. Case No. 06-7930-CF10A.

Carey Haughwout, Public Defender, and Barbara J. Wolfe, Assistant Public Defender, West Palm Beach, for appellant.

¹ *Anders v. California*, 386 U.S. 738 (1967).

Bill McCollum, Attorney General, Tallahassee, and Katherine McIntire, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing