

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

PATRICK DUNCAN GAMMAGE, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D14-3898

Opinion filed September 2, 2016.

Appeal from the Circuit Court for DeSoto  
County; James S. Parker, Judge.

Howard L. Dimmig, II, Public Defender,  
and Brooke Elvington, Assistant Public  
Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Jonathan P. Hurley,  
Assistant Attorney General, for Appellee.

ORDER ON MOTION TO ENFORCE MANDATE

PER CURIAM.

Patrick Gammage filed a motion to enforce mandate, claiming that the trial  
court did not comply with the directions in this court's opinion in Gammage v. State, 181

So. 3d 1256 (Fla. 2d DCA 2015). He contends that the trial court did not enter judgments for and resentence him on the lesser included offenses of attempted tampering with jurors as first-degree misdemeanors as required by this court's opinion. We deny the motion to enforce mandate because this court remanded for entry of judgments for the lesser included offenses of attempted tampering and for resentencing and the trial court complied with our mandate. We clarify that the offense of attempted tampering with jurors is a third-degree felony. See § 777.04(4)(d), Fla. Stat. (2013) (providing that "if the offense attempted . . . is a . . . [f]elony of the third degree ranked in level 3, 4, 5, 6, 7, 8, 9, or 10 under s. 921.0022 or s. 921.0023, the offense of criminal attempt . . . is a felony of the third degree"); § 921.0022(3)(d), Fla. Stat. (2013) (ranking the third-degree felony of tampering with jurors under section 918.12, Florida Statutes, as a level 4 offense).

MORRIS, KHOUZAM and BADALAMENTI, JJ., Concur.