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

IN THE DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT

TJAVI DEVON McKNIGHT,)
Appellant,))))
٧.)))
STATE OF FLORIDA,)))
Appellee.)))

Case No. 2D14-4729

Opinion filed August 10, 2016.

Appeal from the Circuit Court for Lee County; Margaret O. Steinbeck, Judge.

Howard L. Dimmig, II, Public Defender, and Pamela H. Izakowitz, Assistant Public Defender, Bartow (withdrew after initial briefing); Janese Caruthers of Janese Caruthers Law Firm, P.A., Fort Myers (substituted as counsel of record), for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Helene S. Parnes, Assistant Attorney General, Tampa, for Appellee.

SILBERMAN, Judge.

Tjavi Devon McKnight appeals his convictions and sentences for sale of

cocaine within 1000 feet of a school and possession of cocaine. We affirm his

convictions and sentences without discussion but remand for correction of a scrivener's error on the written judgment.

The written judgment incorrectly shows the conviction in count two as the originally charged offense of possession of cocaine with intent to sell within 1000 feet of a school. But the record reflects that McKnight was adjudicated guilty of the third-degree felony of simple possession of cocaine on count two. Therefore, we remand for correction of the scrivener's error on the written judgment on count two to correctly reflect a conviction for simple possession of cocaine. <u>See Harrell v. State</u>, 76 So. 3d 353 (Fla. 2d DCA 2011); <u>Mann v. State</u>, 62 So. 3d 1240 (Fla. 2d DCA 2011).

Affirmed; remanded with instructions.

LUCAS and BADALAMENTI, JJ., Concur.