

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2005

MORGAN LABISSIERE,

**

Appellant,

**

vs.

** CASE NO. 3D04-1186

THE STATE OF FLORIDA,

**

Appellee.

** LOWER TRIBUNAL
CASE NO. F02-28827A

**

Opinion filed May 25, 2005.

An Appeal from the Circuit Court for Miami-Dade County,
Mary Barzee, Judge.

Bennett H. Brummer, Public Defender, and Robert Kalter,
Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and William J.
Selinger, Assistant Attorney General, for appellee.

Before GREEN, FLETCHER, and ROTHENBERG, JJ.

PER CURIAM.

Morgan Labissiere has appealed, seeking correction of a
scrivener's error in his judgment of conviction. The State has

no objection. The cause is remanded to the trial court for the purpose of deleting the reference to Section 775.087, Florida Statutes, from the judgment of conviction. See Howard v. State, 854 So. 2d 288 (Fla. 3d DCA 2003).¹

Remanded.

¹ The State has requested that a clerical error declaring first degree murder as a first degree felony be corrected. See Section 775.082, Florida Statutes (2001). On remand the trial court is free to make the correction.