

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

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

ERIC RODRIGUEZ,	**	
Appellant,	**	
vs.	**	CASE NO. 3D05-860
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NOS:99-30030 99-28803

Opinion filed November 23, 2005.

An Appeal under Fla. R. App. P. 9.141(b) (2) from the Circuit Court for Miami-Dade County, Pedro P. Echarte, Judge.

Eric Rodriguez, in proper person.

Charles J. Crist, Jr., Attorney General, Olga L. Villa, Assistant Attorney General, for appellee.

Before GERSTEN, GREEN, and RAMIREZ, JJ.

PER CURIAM.

We affirm the trial court's order denying the defendant's motion to clarify sentence. The trial court properly sentenced the defendant to a ten-year minimum mandatory sentence under section 775.087(2)(a)(1), Florida Statutes (1999). The State

concedes, however, that the written order improperly shows the defendant was sentenced to the ten-year minimum mandatory sentence under the habitual offender statute. Therefore, we remand to the trial court with directions to correct the ministerial error in the written sentence, in accordance with the oral pronouncement.

Affirmed and remanded for correction of sentencing order.