

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CHAD BODETTE,

Appellant,

v.

Case No. 5D15-1346

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 11, 2016

Appeal from the Circuit Court
for Orange County,
Marc L. Lubet, Judge.

Chad Bodette, Crawfordville, pro se.

James S. Purdy, Public Defender, and
John M. Selden, Assistant Public
Defender, Daytona Beach, for
Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Allison Leigh Morris,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Chad Bodette entered a negotiated plea to the single charge of kidnapping with intent to inflict bodily harm or terrorize with a firearm. He was sentenced in accordance with his plea bargain to fifteen years in prison with a ten-year minimum mandatory.

Although the sentence is legal, there appears to be a scrivener's error in the judgment and sentence. It appears that the minimum mandatory should have been imposed based upon Bodette's possession of a firearm during the offense; however, the written sentence imposed the ten-year minimum mandatory pursuant to section 775.0823, Florida Statutes (2012), the Law Enforcement Protection Act. Because there is nothing in the record to suggest that the victim was a law enforcement officer, or that the minimum mandatory was imposed under this statutory section, we remand for correction of the scrivener's error.

AFFIRMED; REMANDED FOR CORRECTION OF JUDGMENT.

LAWSON, C.J., ORFINGER and BERGER, JJ., concur.