

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

JOSE ISMAEL TORRES,

Appellant,

v.

Case No. 5D16-4395

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed February 2, 2018

Appeal from the Circuit Court
for Volusia County,
Leah R. Case, Judge.

James S. Purdy, Public Defender, and
Robert E. Wildridge, Assistant Public
Defender, Daytona Beach, for Appellant.

Jose Ismael Torres, Wewahitchka, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kaylee D. Tatman,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm Torres' judgment and sentence without further comment but remand for correction of a scrivener's error. Pursuant to section 775.087(2)(a)1.p., Florida Statutes (2015), the ten-year minimum mandatory sentence should have been imposed for the

crime of possession of a firearm during the commission of a trafficking offense. Instead, the trial judge inadvertently applied it to the drug trafficking charge pursuant to section 893.135(1), Florida Statutes (2015). We, therefore, remand for the trial court to make the correction in the written sentence.

AFFIRMED; REMANDED for correction of scrivener's error.

BERGER, WALLIS, and EISNAUGLE, JJ., concur.