

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

PATRICK J. BENWAY,

Appellant,

v.

Case No. 5D17-3077

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed January 19, 2018

3.800 Appeal from the Circuit Court  
for Osceola County,  
Elaine A. Barbour, Judge.

Patrick J. Benway, Quincy, pro se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Robin A. Compton,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See Brooks v. State, 969 So. 2d 238 (Fla. 2007) (holding that proper test for motion to correct illegal sentence is whether same sentence could have been imposed with corrected scoresheet).

ORFINGER, EVANDER and LAMBERT, JJ., concur.