

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

LAVON RASHARD SHINN,

Appellant,

v.

Case No. 5D18-1074

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed November 8, 2019

Appeal from the Circuit Court for
Orange County,
Robert J. Egan, Judge.

James S. Purdy, Public Defender,
and Nancy Ryan and Glendon
George Gordon, Jr., Assistant Public
Defenders, Daytona Beach, for
Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney
General, Daytona Beach, for
Appellee.

ON CONCESSION OF ERROR

PER CURIAM.

We affirm the judgment entered below but remand for the trial court to correct the written sentence on count 11 to reflect its oral pronouncement of a fifteen-year concurrent

sentence. See *State v. Akins*, 69 So. 3d 261, 269 (Fla. 2011) (stating that where discrepancy exists between oral pronouncement and written sentence, oral pronouncement prevails); *Torres v. State*, 266 So. 3d 872, 872 (Fla. 5th DCA 2019) (reiterating that written order must conform to court's oral pronouncement). Appellant preserved this issue by filing a Florida Rule of Criminal Procedure 3.800(b)(2) motion, which was deemed denied pursuant to rule 3.800(b)(2)(B) when the trial court failed to act on it within sixty days.

AFFIRMED and REMANDED with directions to correct written sentence.

EVANDER, C.J., COHEN and SASSO, JJ., concur.