

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

KELVIN SIMMONS,

Appellant,

v.

Case No. 5D19-1257

STATE OF FLORIDA,

Appellee.

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Opinion filed December 6, 2019

Appeal from the Circuit Court  
for Seminole County,  
Melanie Chase, Judge.

James S. Purdy, Public Defender, and  
Matthew Funderburk, Assistant Public  
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Marjorie Vincent-Tripp,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

In this *Anders*<sup>1</sup> appeal, we affirm Appellant's convictions and sentences but remand for the correction of a clerical error in one of the sentencing documents. The trial court orally pronounced that Appellant's sentences on the first three counts were to run

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<sup>1</sup> *Anders v. California*, 386 U.S. 738 (1967).

concurrently; however, the written sentence for count one conflicts because it shows that the sentence on count one is to run consecutively to the sentence set forth in count three. See *Chrystie v. State*, 95 So. 3d 1027, 1028 (Fla. 5th DCA 2012) (“Where a conflict exists between the oral pronouncement of sentence and written sentencing documents, the oral pronouncement controls.”) (citations omitted). On remand, the trial court is directed to enter a corrected sentence consistent with its oral pronouncement.

AFFIRMED; REMANDED with directions.

WALLIS, LAMBERT, and EDWARDS, JJ., concur.