

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

BRANDON DOUGLAS LADUE,

Appellant,

v.

Case No. 5D18-1544

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 8, 2020

Appeal from the Circuit Court
for Flagler County,
Dennis Craig, Judge.

James S. Purdy, Public Defender, and
Danielle Renee Rufai, Assistant Public
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Brandon Douglas Ladue appeals the denial of his postconviction motion to correct a sentencing error. The State commendably concedes that Appellant's motion should have been granted, and our review of the record confirms that. While sentencing Appellant with regard to his violation of probation, the trial court agreed with the parties

that Appellant would be sentenced to six years' incarceration as to Count I, burglary with a firearm, and to a "time served" sentence as to Count II, grand theft. The trial court orally announced that sentence; however, the written sentence also reflected a six-year prison sentence for Count II.

Appellant timely filed a Florida Rule of Criminal Procedure 3.800(b)(2) motion to correct sentence which the trial court summarily denied as moot. Since oral pronouncement controls, a written sentence that conflicts with the oral pronouncement of sentence is an illegal sentence, absent factors not present here. *See Williams v. State*, 957 So. 2d 600, 603 (Fla. 2007). Accordingly, we reverse and remand for the trial court to enter an amended judgment and sentence to reflect the orally pronounced sentence set forth above.

REVERSED and REMANDED.

LAMBERT, EDWARDS, and TRAVER, JJ., concur.