

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JULY TERM 2003

J.A.D.,O/B/O J.G.D., A CHILD,

Appellant,

v.

Case No. 5D02-3202

STATE OF FLORIDA,

Appellee.

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Opinion filed October 10, 2003

Appeal from the Circuit Court  
for Marion County,  
Sandra Edward Stephens, Judge.

James B. Gibson, Public Defender and  
Lyle Hitchens, Assistant Public Defender,  
Daytona Beach, for Appellant.

Charles J. Crist, Jr., Attorney General,  
Tallahassee and Belle B. Schumann, Assistant  
Attorney General, Daytona Beach, for Appellee.

PER CURIAM.

The defendant pled nolo contendere to, and was adjudicated delinquent on, the charge of battery by a detained person in violation of section 784.082, Florida Statutes. The trial court determined that the defendant met the criteria for being a "serious or habitual juvenile offender" and therefore committed him to a maximum risk residential program until his 21st birthday. See §985.03(48), Fla. Stat. (2001). However, the disposition order contains a scrivener's error in its reference to section 985.03(48)(a)(13), Florida Statutes since subsection (a)(13) refers to lewd and lascivious acts and the defendant was not charged with committing a lewd or lascivious act. The State properly concedes the existence of this error,

explaining that the statutory reference should be to section 985.03(48)(b), which applies to juveniles who have committed at least two previous delinquent acts. We affirm the instant disposition order but remand to the trial court for correction of the statutory reference.

AFFIRMED and REMANDED.

PLEUS, PALMER and ORFINGER, JJ., concur.