

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

JULY TERM 2008

DANIEL FINKBEINER,

Appellant,

v.

Case No. 5D08-2915

STATE OF FLORIDA,

Appellee.

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Opinion filed October 31, 2008

3.800 Appeal from the Circuit  
Court for Marion County,  
Brian Lambert, Judge.

Daniel Finkbeiner, Lake Butler, pro se.

No Appearance for Appellee.

PER CURIAM.

AFFIRMED. See *Brooks v. State*, 969 So. 2d 238 (Fla. 2007) (proper test in reviewing 3.800(a) motion alleging scoresheet error is whether the same sentence could have been imposed on the basis of a corrected scoresheet).

ORFINGER, MONACO and EVANDER, JJ., concur.