

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

JULY TERM 2010

GERROD ANTWAN ALLEN,

Appellant,

v.

Case No. 5D09-3199

STATE OF FLORIDA,

Appellee.

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Opinion filed September 3, 2010

Appeal from the Circuit Court
for St. Johns County,
Wendy Berger, Judge.

James S. Purdy, Public Defender, and
Thomas J. Lukashow, Assistant Public
Defender, Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Allison Leigh Morris,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

While we affirm the judgment and sentence of the appellant, Gerrod Antwan Allen, we remand to the trial court so that the court's written sentence will correspond to its oral pronouncement. The oral pronouncement indicates that as to the two counts of burglary of a structure or conveyance, appellant was to receive a five year probationary placement, with the first year to be served in county jail (with credit for time served).

The term in county jail was announced as a special condition of probation. For a retail theft charge, appellant was given 60 days in county jail to run concurrent to the first two counts. The written sentence, however, is ambiguously set forth so that it may appear to authorize a total six years of probation and county jail time, for the third-degree felonies. As the written sentence must correspond to the oral pronouncement, we remand for clarification and correction of the written sentence. See *Smith v. State*, 746 So. 2d 497 (Fla. 5th DCA 1999).

AFFIRMED but REMANDED with instructions.

MONACO, C.J. and TORPY and JACOBUS, JJ., concur.