

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

JULY TERM 2011

BRYAN CROSKEY,

Appellant,

v.

Case No. 5D10-1594

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 30, 2011

Appeal from the Circuit Court
for Orange County,
Alicia L. Latimore, Judge.

James S. Purdy, Public Defender, and
Ailene S. Rogers, Assistant Public
Defender, Daytona Beach, for Appellant.

Bryan I. Croskey, Perry, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Wesley Heidt, Assistant
Attorney General, Daytona Beach,
for Appellee.

PER CURIAM.

We affirm in all respects this *Anders*¹ appeal. However, we remand for correction of the written sentencing order. Since the jury specifically found that Appellant possessed but did not discharge a firearm, the reference to a twenty-year minimum

¹ *Anders v. California*, 386 U.S. 738 (1967).

mandatory and section 775.087(2)(a)2., Florida Statutes (2008), is erroneous and should be stricken from the judgment. See *Murphy v. State*, 977 So. 2d 748 (Fla. 2d DCA 2008) (in *Anders* appeal, affirming judgment and sentence and remanding to correct scrivener's errors in written judgment). The trial judge's oral pronouncement of a ten-year minimum mandatory sentence pursuant to section 775.087(2)(a), Florida Statutes (2008), was correct and should be set forth in the order.

AFFIRMED AND REMANDED FOR CORRECTION.

MONACO, TORPY and EVANDER, JJ., concur.