

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

JANUARY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

STEPHEN DOWNEY,

Appellant,

v.

Case No. 5D12-4245

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 17, 2013

Appeal from the Circuit Court
for Brevard County,
W. David Dugan, Judge.

James S. Purdy, Public Defender, and
Steven N. Gosney, Assistant Public
Defender, Daytona Beach, for Appellant.

Stephen Downey, Lake City, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee and Carmen F. Corrente,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Based upon our independent review pursuant to *Anders v. California*, 386 U.S. 738 (1967), we affirm Downey's convictions and sentences. We remand for correction of two scriveners' errors in the judgment for aggravated assault upon a law enforcement officer. First, the term "firearm" should be stricken from the judgment as no firearm was

used in this offense. Second, the judgment should reflect that a three year minimum mandatory term was imposed pursuant to section 784.07(2)(c), Florida Statutes, instead of section 775.087, Florida Statutes.

Finally, Downey's pro se claims of ineffective assistance of appellate counsel are premature on direct appeal and should be raised in a petition pursuant to Florida Rule of Appellate Procedure 9.141(d).

AFFIRMED; REMANDED FOR CORRECTION OF SCRIVENERS' ERRORS.

SAWAYA, LAWSON and COHEN, JJ., concur.