

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

MARCO ANTONIO MONTEALEGRE,

Appellant,

v.

Case No. 5D12-499

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 28, 2013

Appeal from the Circuit Court
for Orange County,
Mike Murphy , Judge.

James S. Purdy, Public Defender, and
Nancy Ryan, Assistant Public Defender,
Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Ann M. Phillips,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Marco Montealegre challenges his convictions for battery on a law enforcement officer, resisting with violence, petit theft, and trespass. We affirm the convictions and sentences without discussion, but remand the matter so that the trial court can correct an error in the judgment as it relates to the trespass conviction. As the State concedes,

the judgment erroneously reflects a conviction for burglary rather than the lesser-included offense of trespass. Montealegre is entitled to a judgment that correctly reflects his convictions. See, e.g., Bell v. State, 93 So. 3d 513, 514 (Fla. 5th DCA 2012); Lopez-Vasquez v. State, 966 So. 2d 996, 997 (Fla. 5th DCA 2007); Davis v. State, 529 So. 2d 1251, 1252 (Fla. 5th DCA 1988). Given the ministerial nature of the correction, Montealegre need not be present for this correction. See Wiggins v. State, 992 So. 2d 363, 364 (Fla. 5th DCA 2008); Lamm v. State, 871 So. 2d 918, 919 (Fla. 5th DCA 2004).

AFFIRMED; REMANDED FOR ENTRY OF CORRECTED JUDGMENT.

ORFINGER, C.J., SAWAYA and COHEN, JJ., concur.