

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

JULY TERM 2013

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

DOUGLAS L. NELSON,

Appellant,

v.

Case No. 5D13-343

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 13, 2013

3.800 Appeal from the Circuit Court
for Brevard County,
Charles G. Crawford, Judge.

Douglas L. Nelson, Clermont, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Kellie A. Nielan,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm the decision of the lower court. However, we note that the portion of the trial judge's order directing the clerk to amend the written sentencing forms to reflect a habitual felony offender sentence on count two in both cases is erroneous under section 775.084(1)(a)3., Florida Statutes, and strike that portion of the order.

AFFIRMED.

TORPY, C.J., LAWSON and BERGER, JJ., concur.