

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

MICHAEL ANDERSON,

Appellant,

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

v.

CASE NO. 1D03-3626

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed December 29, 2004.

An appeal from the Circuit Court for Washington County.  
Glenn L. Hess, Judge.

Nancy A. Daniels, Public Defender; G. Kay Witt, Assistant Public Defender,  
Tallahassee, for Appellant.

Charles J. Crist, Jr., Attorney General; Charlie McCoy, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

We affirm the appellant's judgment and sentence, but remand for correction of  
scrivener's errors contained in the written judgment.<sup>1</sup> The judgment erroneously cites

---

<sup>1</sup> We do not consider the state's notice of clerical error indicating a scrivener's error in the appellant's written sentence because the state failed to file a timely motion pursuant to Florida Rule of Criminal Procedure 3.800(b).

to section "322.26 or 28," when the correct statutory citation for the offense of driving while license suspended or revoked as charged against the appellant is section 322.34(2)(b), Florida Statutes (2001). It also erroneously lists the first-degree misdemeanor offense as a third-degree felony. Accordingly, we affirm the appellant's judgment and sentence in all respects, but remand for correction of the scrivener's errors. The appellant need not be present for the correction of the errors.

AFFIRMED and REMANDED with instructions.

ERVIN, DAVIS and HAWKES, JJ., CONCUR.