

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

HAROLD MILLER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D05-5056

Opinion filed July 11, 2006.

An appeal from the Circuit Court for Duval County.
L. P. Haddock, Judge.

Harold Miller, pro se, Appellant.

Charlie Crist, Attorney General, and Sheron L. Wells, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the trial court's order denying his Florida Rule of Criminal Procedure 3.800(a) motion. After being convicted of possession of a firearm by a convicted felon, a second-degree felony, and classified as a habitual violent

felony offender, the appellant was sentenced to 30 years' imprisonment with a 15-year minimum mandatory. The minimum mandatory portion of appellant's sentence exceeds the 10-year minimum mandatory term authorized under section 775.084(4)(b)2., Florida Statutes (Supp. 1996). Therefore, we reverse and remand with instructions to the trial court to correct this sentence to reflect a 10-year minimum mandatory. See Ruffin v. State, 835 So. 2d 272 (Fla. 3rd DCA 2002) (remanding to the trial court to correct a sentence for second-degree felony as a habitual violent felony offender to reflect a 10-year minimum mandatory).

The trial court's order is otherwise affirmed.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

ERVIN, WEBSTER, and HAWKES, JJ., CONCUR.