

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

COLBY SMITH,

Appellant,

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

v.

CASE NO.: 1D07-3365

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 14, 2008.

An appeal from the Circuit Court for Alachua County.
R.A. Green, Jr., Senior Judge.

Nancy A. Daniels, Public Defender, and John B. Kelly, III, Assistant Public
Defender, Tallahassee, for Appellant.

Colby Smith, pro se, Appellant.

Bill McCollum, Attorney General, and Anne C. Conley, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

Colby Smith challenges his conviction and sentence for burglary with an
assault. Appellate counsel filed a brief pursuant to Anders v. California, 386 U.S.
738 (1967), following which Smith, acting *pro se*, filed a brief. We affirm Smith's
conviction and sentence, but reverse and remand for correction of a scrivener's error

contained in the judgment of conviction. The judgment states that Smith used a firearm in the commission of the offense. The jury, though having the opportunity to do so, did not find that a firearm was used.

AFFIRMED and REMANDED for entry of corrected judgment of conviction.

BENTON, VAN NORTWICK, AND HAWKES, JJ., CONCUR.