

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

JOSEPH SCHUMACHER,

Appellant,

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

v.

CASE NO. 1D13-0710

STATE OF FLORIDA,

Appellee.

Opinion filed December 17, 2013.

An appeal from the Circuit Court for Okaloosa County.
John T. Brown, Judge.

Nancy A. Daniels, Public Defender, and Colleen D. Mullen, Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Michael McDermott and Bryan Jordan,
Assistant Attorneys General, Tallahassee, for Appellee.

PER CURIAM.

We find no merit in appellant's argument concerning his sentence for Count
I, DUI manslaughter. We do find, however, the judgment and sentence incorrectly
adjudicates him guilty of Count II, leaving the scene of a crash involving death, a

count for which the jury found him not guilty. We, therefore, remand to the trial court for correction of the judgment and sentence to remove the erroneous adjudication of guilt as to the second count and to correct the errors in the order on probation.

LEWIS, C.J., WOLF and MAKAR, JJ., CONCUR.