

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-2302

ANTONIO ANTWAN WILLIAMS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Marianne L. Aho, Judge.

September 14, 2018

PER CURIAM.

Antonio Antwan Williams challenges his multiple convictions arguing the trial court erred in denying his pre-trial motion to exclude from trial any evidence regarding a dispute between Appellant and his wife. The State opposed the motion arguing the domestic dispute was inextricably linked to the charged offenses, and the trial court agreed. The issue is preserved for our review, *see* section 90.104(1), Florida Statutes (2017), but we find no abuse of discretion on the part of the trial court. *See Truehill v. State*, 211 So. 3d 930, 946 (Fla. 2017).

However, this cause is remanded to the trial court for correction of the judgment of conviction to reflect a conviction as to count three for burglary with an assault or battery while

armed with a deadly weapon. The jury found that Appellant actually possessed a firearm and also committed an assault or battery on the victim during the course of the burglary. See § 810.02(2)(a)&(b), Fla. Stat. The judgment in the record erroneously lists this conviction as “armed robbery with assault or battery.” Both armed robbery with a firearm and burglary with an assault or battery or while armed with a dangerous weapon are first degree felonies punishable by a sentence up to life imprisonment, which Appellant received for count three. See §§ 812.13(2)(a) & 810.02(2)(a)&(b), Fla. Stat. As correction of the judgment is a ministerial act, Appellant need not be present. See *Jordan v. State*, 143 So. 3d 335, 339 (Fla. 2014); *Taylor v. State*, 185 So. 3d 1281, 1282 (Fla. 1st DCA 2016).

Appellant’s convictions are AFFIRMED, but the cause is REMANDED with instructions.

WETHERELL, BILBREY, and M.K. THOMAS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Joe Hamrick and Rick A. Sichta of The Sichta Firm, LLC, Jacksonville, for Appellant.

Pamela Jo Bondi, Attorney General, and Heather Flanagan Ross, Assistant Attorney General, Tallahassee, for Appellee.