

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D18-4584

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NYJUAN BERNARD WALLER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Alachua County.  
Mark W. Moseley, Judge.

October 30, 2019

PER CURIAM.

In this appeal pursuant to *Anders v. California*, 386 U.S. 738 (1967), we affirm Waller's judgment and sentence but remand for the trial court to correct a scrivener's error in the written order of probation. While the transcript from the sentencing hearing shows that the trial court orally prohibited Waller from having any contact with the victim, the written order of probation does not include this special condition. The written order of probation should be corrected to prohibit Waller from having any contact with the victim. *See Spatcher v. State*, 228 So. 3d 1162, 1163 (Fla. 1st DCA 2017) (reaffirming that a court's oral pronouncement controls over any written sentencing documents).

AFFIRMED and REMANDED.

RAY, C.J., and KELSEY and WINOKUR, JJ., concur.

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

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Andy Thomas, Public Defender, and Megan Long, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.