

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-4183

LARRY JAMES WILLIAMS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Columbia County.
Paul S. Bryan, Judge.

October 23, 2020

PER CURIAM.

Upon review pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), we find no reversible error and affirm Appellant's judgment and sentence. We write only to correct a scrivener's error. Appellant's written judgment reflects that the trial court revoked probation and sentenced him on count three, felony driving with license suspended or revoked. However, while this count was included in the affidavit of violation of probation, the record shows that count three was not included in the plea agreement or order revoking probation, nor was it discussed at the plea hearing. Notably, the trial court did not orally adjudicate Appellant guilty or sentence Appellant on this count. *See Hall v. State*, 105 So. 3d 642, 644 (Fla. 1st DCA 2013) ("[I]t is well settled that the trial court's oral pronouncement of sentence

controls over the written sentencing order.”). On remand, the trial court shall correct the written judgment, removing count three. Appellant need not be present for this ministerial correction to the judgment. *See Walton v. State*, 106 So. 3d 522, 529 (Fla. 1st DCA 2013).

AFFIRMED and REMANDED.

RAY, C.J., and BILBREY and NORDBY, JJ., concur.

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

Andy Thomas, Public Defender, and Tyler Payne, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Julian E. Markham, Assistant Attorney General, Tallahassee, for Appellee.