

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JOSE LUIS RAYA,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-1587

[August 5, 2015]

CORRECTED OPINION
ON MOTION FOR REHEARING

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Dan L. Vaughn, Judge; L.T. Case No. 562010CF2470.

Carey Haughwout, Public Defender, and Ian Seldin, Assistant Public Defender, West Palm Beach, and Jose Luis Raya, Live Oak, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Melanie Dale Surber, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

By order we granted rehearing and withdrew our opinion in *Raya v. State*, 39 Fla. L. Weekly D2122 (Fla. 4th DCA Oct. 8, 2014). Having now considered appellant's pro se brief, we issue the following opinion.

Jose Luis Raya appeals the convictions and sentences imposed after he entered a plea of no contest to second degree murder and felonious possession of a firearm. After reviewing the record, we grant appellate counsel's motion to withdraw filed pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L.Ed.2d 493 (1967), and we affirm the conviction and sentences. We find no merit to the claim raised in appellant's pro se initial brief.

Nevertheless, we remand for the correction of a scrivener's error in the written sentencing order for count 2. At sentencing, the court orally

pronounced that the sentence in count 2 would run concurrently with the sentence imposed in count 1. However, the written sentencing order indicates that count 2 “shall run Consecutive to/Concurrent” the sentence in count 1. On remand, the trial court is directed to correct the written sentencing order so that it is consistent with the oral pronouncement. See *Simmons v. State*, 106 So. 3d 507 (Fla. 4th DCA 2013) (affirming and remanding for correction of a scrivener’s error in written judgment in an *Anders* appeal).

Affirmed and remanded with instructions.

DAMOORGIAN, CONNER and FORST, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.