

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JOSHUA DANIEL BROWN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

Nos. 4D17-2510 and 4D17-2512

[October 24, 2018]

Consolidated appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Cheryl Caracuzzo, Judge; L.T. Case Nos. 502016CF011075A and 502016CF012596A.

Carey Haughwout, Public Defender, and Gary Lee Caldwell, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Anesha Worthy, Assistant Attorney General, West Palm Beach, for appellee.

KLINGENSMITH, J.

Appellant Joshua Brown appeals his convictions and sentences for the fraudulent use of personal identification information and grand theft, as well as the amended order revoking his probation. We affirm those convictions and sentences without comment, but write to address the trial court's amended order revoking probation.

Brown first challenged the revocation order under Florida Rule of Criminal Procedure 3.800(b)(2) because the order included a violation that had not been proven by any evidence and incorrectly listed December 24, 2016, as the violation date, when the violation of probation affidavit and testimony established that the violations occurred on December 23, 2016. The trial court granted the motion; however, the amended order failed to correct the violation date.

A review of the record shows the trial court intended to correct the scrivener's errors but failed to do so, and such written errors remained in the amended order. Accordingly, we affirm Brown's convictions and

sentences, but remand with instructions for the trial court to correct the violation dates. *See Obas v. State*, 238 So. 3d 853, 854 (Fla. 4th DCA 2018); *Ali v. State*, 215 So. 3d 1250, 1251 (Fla. 4th DCA 2017); *see also Sweeney v. State*, 138 So. 3d 1095, 1095 (Fla. 4th DCA 2014) (remanding for trial court to correct statute number on appellant's sentence). Brown's presence is not required for this ministerial action. *See Obas*, 238 So. 3d at 854.

Affirmed, but remanded for correction of scrivener's errors.

TAYLOR AND KUNTZ, JJ., concur.

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Not final until disposition of timely filed motion for rehearing.