

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2006

MYSHION FLOYD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-705

[June 7, 2006]

PER CURIAM.

We affirm Myshion Floyd's appeal on the charge of battery on a law enforcement officer. We remand, however, to the trial court to correct a scrivener's error. The judgment form entered by the trial court shows an "X" marking the option that Floyd "Entered a plea of nolo contendere to the following crimes," and then lists the offense of battery on a law enforcement officer. However, the record shows that Floyd actually entered a written plea of not guilty, and was subsequently found guilty by jury trial. Appellant need not be present to correct this error.

Affirmed; Remanded.

STEVENSON, C.J., SHAHOOD and MAY, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Dan Vaughn, Judge; L.T. Case No. 2003-329-CF.

Carey Haughwout, Public Defender, and Susan D. Cline, Assistant Public Defender, West Palm Beach, for appellant.

Charles J. Crist, Jr., Attorney General, Tallahassee, and August A. Bonavita, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.