

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2009*

**JAMES TUCKER, JR.,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D08-3489

[August 12, 2009]

PER CURIAM.

We affirm appellant's conviction of grand theft and his sentence as an habitual felony offender. We find no abuse of discretion in the trial court's denial of a motion for continuance shortly before the commencement of trial. *See Lawson v. State*, 884 So. 2d 540, 545-46 (Fla. 4th DCA 2004); *McKay v. State*, 504 So. 2d 1280, 1282 (Fla. 1st DCA 1986). We remand to the circuit court to correct the scrivener's error in the judgment of conviction, which indicates that appellant entered a plea of nolo contendere, rather than correctly showing that appellant was found guilty after a jury trial.

GROSS, C.J., DAMOORGIAN and GERBER, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Larry Schack, Judge; L.T. Case No. 562007CF004336A.

Carey Haughwout, Public Defender, and Tom Wm. Odom, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***