

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2011

MICHAEL NOEL,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D09-4970

[May 4, 2011]

PER CURIAM.

The public defender has moved to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), and has filed an appellate brief noting one sentencing error. Appellant pled guilty to attempted robbery with a firearm and was sentenced to twenty-seven years in prison, followed by two years of community control and three years of probation. Attempted robbery with a firearm, however, is a second-degree felony subject to a maximum sentence of fifteen years in prison. § 775.082(3)(c), Fla. Stat. (2007); *Zeman v. State*, 46 So. 3d 162, 162-63 (Fla. 4th DCA 2010). Thus, the sentence imposed on the attempted robbery count was erroneous, and we reverse the sentence on that charge and remand for resentencing. Otherwise, we agree that the record contains no issues of arguable merit. We grant the public defender's motion to withdraw and affirm the conviction and sentence in all other respects.

Affirmed in part, reversed in part, and remanded.

MAY, DAMOORGIAN and LEVINE, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jeffrey R. Levenson, Judge; L.T. Case No. 07-22495 CF10A.

Carey Haughwout, Public Defender, and Tatjana Ostapoff, Assistant Public Defender, West Palm Beach, for appellant.

No appearance for appellee.

Not final until disposition of timely filed motion for rehearing.