

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2011*

**JAROD THEOPHILE,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D09-5328

[ November 23, 2011 ]

**ON MOTION FOR CLARIFICATION AND/OR REHEARING**

PER CURIAM.

We grant appellant's Motion for Clarification of the opinion issued on September 21, 2011. We write to clarify that the relief on remand should include recalculation of the scoresheet on appellant's remaining conviction for possession of a concealed firearm. *See Vroom v. State*, 48 So. 3d 82, 84 (Fla. 2d DCA 2010); *Gorham v. State*, 968 So. 2d 717, 718 (Fla. 4th DCA 2007). Accordingly, we add the following sentence to the end of the majority opinion: "We reverse and remand with directions to vacate the defendant's conviction for robbery with a firearm, recalculate the scoresheet to reflect the absence of this primary offense, and resentence the defendant on the remaining charge of possession of a concealed firearm using a corrected scoresheet."

TAYLOR and GERBER, JJ., and PEGG, ROBERT L., Associate Judge, concur.

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Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen M. Miller, Judge; L.T. Case No. 2009CF006404AMB.

Philip J. Massa, Regional Counsel and Randall Berman, Special Assistant Conflict Counsel, Office of Criminal Conflict and Civil Regional Counsel, Fourth District, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Daniel P. Hyndman, Assistant Attorney General, West Palm Beach, for appellee.