

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

GARY MCCUTCHEON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D10-4506

[September 5, 2012]

PER CURIAM.

Appellant's convictions are affirmed. *State v. Adkins*, 37 Fla. L. Weekly S449 (Fla. July 12, 2012). The state concedes that a scrivener's error occurred on appellant's sentence in case number 09-10979CF10A when appellant was sentenced as a habitual offender on the grand theft count. For that reason, we remand with directions for the trial court to delete the habitual offender designation on appellant's sentence for grand theft.

Affirmed, but remanded for correction of sentence.

GROSS, LEVINE, JJ., and ROSENBERG, ROBIN L., Associate Judge, concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael L. Gates, Judge; L.T. Case No. 09-10176CF10A, 09-10979CF10A, 09-11708CF10A, and 10-5647CF10A.

Carey Haughwout, Public Defender, and Emily Ross-Booker, Assistant Public Defender, West Palm Beach, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Richard Valuntas, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.