## NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED

	IN THE DISTRICT COURT OF APPEAL
	OF FLORIDA
	SECOND DISTRICT
KYLE BENTON EVANS,  Appellant,	) ) ) ) Case No. 2D12-5452
STATE OF FLORIDA,	) ) )
Appellee.	) ) )

Opinion filed May 23, 2014.

Appeal from the Circuit Court for Manatee County; Edward Nicholas, Judge.

Howard L. Dimmig, II, Public Defender, and Brooke Elvington, Special Assistant Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

MORRIS, Judge.

Kyle Benton Evans appeals his convictions and sentences for armed kidnapping and home-invasion robbery with a weapon. We affirm without comment but remand for correction of a scrivener's error in the judgment. The judgment lists a conviction for home-invasion robbery while armed with a deadly weapon. However, the jury found that the weapon possessed by Evans was not a deadly weapon, and the trial

court orally adjudicated Evans guilty of "home[-]invasion robbery with a weapon."

Therefore, we remand for the trial court to amend Evans' judgment to reflect a conviction for home-invasion robbery with a weapon. See Willingham v. State, 48 So. 3d 173 (Fla. 2d DCA 2010).

Affirmed; remanded.

SILBERMAN and CRENSHAW, JJ., Concur.