

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

JOQUINN ANTHONY TAVARUS	)	
BENJAMIN,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D13-2821
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed December 3, 2014.

Appeal from the Circuit Court for Lee  
County; Bruce Kyle, Judge.

Howard L. Dimmig, II, Public Defender,  
and David B. Falstad, Special Assistant  
Public Defender, Bartow, for Appellant.

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

SILBERMAN, Judge.

Joquinn Anthony Tavarus Benjamin seeks review of his judgment and sentence for second degree murder while in possession of a firearm. Counsel for Benjamin filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), and the State has elected not to file a brief. We affirm but remand for correction of a scrivener's error in the judgment that erroneously lists a conviction for second degree murder *while*

*discharging a firearm* and cites to the corresponding subsection of section 775.087, Florida Statutes (2011). The jury specifically found that Benjamin had not discharged the firearm.

Affirmed and remanded.

VILLANTI and CRENSHAW, JJ., Concur.