

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JASON MIKEL SPAULDING,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D15-2681

Opinion filed June 23, 2017.

Appeal from the Circuit Court for Lee
County; Joseph C. Fuller, Jr., Judge.

Howard L. Dimmig, II, Public Defender,
and Richard P. Albertine, Jr., Assistant
Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Katherine Coombs Cline,
Assistant Attorney General, Tampa, for
Appellee.

SLEET, Judge.

Jason Mikel Spaulding challenges his judgment and sentence for grand theft of between \$300 and \$5000 entered after the revocation of the probation he was serving on the charge. While this appeal was pending, Spaulding filed a Florida Rule of Criminal Procedure 3.800(b)(2) motion alleging several scoresheet errors. We agree

with the trial court that any scoresheet errors were harmless due to the fact that the record conclusively shows that the trial court would have imposed the same sentence upon revocation of probation had the court had the benefit of a correct scoresheet. See Brooks v. State, 969 So. 2d 238, 241 (Fla. 2007). Accordingly we affirm Spaulding's judgment and sentence.

However, because the trial court definitely found error—albeit harmless error—in the inclusion of nineteen points for a prior Illinois offense and six community sanction points, we remand for entry of a corrected scoresheet omitting those twenty-five points. See State v. Anderson, 905 So. 2d 111, 114 (Fla. 2005) ("Courts have developed a harmless error analysis to determine whether a scoresheet error must be merely corrected (harmless) or whether the error warrants both correction and resentencing (harmful)." (emphasis added)).

Affirmed; remanded.

KHOUZAM and BADALAMENTI, JJ., Concur.