

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

RENE LOUIS ISMER,  
Appellant,

v.

STATE OF FLORIDA,  
Appellee.

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Case No. 2D17-2899

Opinion filed September 14, 2018.

Appeal from the Circuit Court for  
Sarasota County; Charles E. Roberts,  
Judge.

Howard L. Dimmig, II, Public Defender, and  
Tosha Cohen, Assistant Public  
Defender, Bartow, for Appellant.

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

LaROSE, Chief Judge.

Appellate counsel filed a brief pursuant to Anders v. California, 386 U.S.  
738 (1967). We have jurisdiction. See Fla. R. App. P. 9.030(b)(1)(A). We affirm Rene  
Louis Ismer's judgment and sentences in all respects, but we remand for correction of a  
scrivener's error.

The jury found Mr. Ismer guilty of trafficking in methamphetamine and  
possession of drug paraphernalia. Possession of drug paraphernalia is a first-degree

misdemeanor, in violation of section 893.147(1), Florida Statutes (2016). Because our full and independent review of the record reveals the written judgment incorrectly lists the first-degree misdemeanor offense as a first-degree felony, we remand for correction of the scrivener's error. See Anderson v. State, 890 So. 2d 428, 429 (Fla. 1st DCA 2004) (affirming judgment and sentence, and remanding for correction of scrivener's error when judgment "erroneously list[ed] the first-degree misdemeanor offense as a third-degree felony").

Mr. Ismer need not be present for the correction of the scrivener's error. See Rodriguez v. State, 223 So. 3d 1053, 1055 (Fla. 2d DCA 2017).

Affirmed; remanded to correct scrivener's error.

SILBERMAN and LUCAS, JJ., Concur.