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

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

SECOND DISTRICT

CURTIS JERMAINE CRAY,
DOC #C02890,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Case No. 2D18-3372

Opinion filed February 28, 2020.

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

Howard L. Dimmig, II, Public Defender, and Siobhan Helene Shea, Special Assistant Public Defender, Bartow, for Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.

SALARIO, Judge.

This is an appeal proceeding in accord with Anders v. California, 386 U.S. 738 (1967). Curtis Jermaine Cray pleaded no contest to one count of attempted sexual battery on a victim under twelve, see §§ 794.011(2)(a), 777.04, Fla. Stat. (2013), two counts of sexual battery on a victim under twelve and over whom he held a position of

familial authority, see § 794.011(8)(b), Fla. Stat. (2014), and one count of lewd or lascivious molestation on a victim under twelve, see § 800.04(5)(b), Fla. Stat (2013). He was sentenced to concurrent terms of thirty years on each of the sexual battery counts and to a concurrent fifty-year sentence, with a twenty-five-year minimum mandatory and to be followed by a life term of sex-offender probation, on the lewd or lascivious molestation count. We affirm these convictions and sentences without comment.

We have, however, identified a scrivener's error on the face of the written judgment. It concerns the identification of the offenses to which Mr. Cray pleaded guilty and of which he was convicted and sentenced. Mr. Cray's plea was entered and accepted on counts one through three for violations of sections 794.011, the sexual battery statute. The trial court orally pronounced convictions of the sexual battery offenses charged in those counts and sentenced Mr. Cray in accord with those convictions. But the written judgment inaccurately describes the convictions as being for crimes of "sexual assault," not for crimes of sexual battery. Sexual assault is not a crime under section 794.011, which deals solely with types of sexual battery.

Aside from the misidentification of the offenses of conviction, the written judgment otherwise correctly reflects the applicable statutes and degrees of offense for counts one through three as pleaded to by Mr. Cray and as pronounced by the trial court. The scrivener's error is thus limited to the language on the written judgment describing the offenses as something other than sexual battery. Accordingly, we remand the case to the trial court to correct the written judgment to reflect that counts one through three were for the crimes of sexual battery—not sexual assault—to which Mr. Cray pleaded and on which he was convicted and sentenced, in keeping with the

trial court's oral pronouncement on those matters. See Pickett v. State, 573 So. 2d 177, 178 (Fla. 2d DCA 1991); Durdick v. State, 476 So. 2d 317, 318 (Fla. 2d DCA 1985).

Affirmed; remanded.

NORTHCUTT and LaROSE, JJ., Concur.