

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

ULYSSES TAYLOR, JR.,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D19-19
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed February 19, 2020.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court for  
Highlands County; Peter F. Estrada,  
Judge.

Ulysses Taylor, Jr., pro se.

NORTHCUTT, Judge.

Ulysses Taylor, Jr., appeals the summary denial of his motion for postconviction relief in which he claimed that his sentences are illegal. We affirm the denial of his claims without further comment, but we remand with a direction to the postconviction court to correct a scrivener's error in the judgment and sentence.

When denying the motion, the postconviction court found that Taylor's sentences were legal because he was sentenced as a prison releasee reoffender (PRR) on both counts: battery on a law enforcement officer (count one) and resisting an officer

with violence (count two). However, attached to the court's order are previous orders indicating that Taylor was not sentenced as a PRR on count one. Indeed, if Taylor had been sentenced as a PRR on count one, his sentence would be illegal because battery on a law enforcement officer is not a crime for which a defendant can be sentenced as a PRR. See Walker v. State, 965 So. 2d 1281, 1283 (Fla. 2d DCA 2007) (holding that battery on a law enforcement officer is not a forcible felony that qualifies for PRR sentencing).

The sentencing transcript reflects that the trial court sentenced Taylor as a PRR on count two only. But the written sentence is ambiguous as to whether Taylor was sentenced as a PRR on count one; it simply states on the last page that "Defendant sentenced as a Prison Releasee Reoffender." The sentence imposed in an oral pronouncement prevails over the written sentence. See Williams v. State, 957 So. 2d 600, 603 (Fla. 2007) ("This [c]ourt has held that a court's oral pronouncement of a sentence controls over the written sentencing document."). Therefore, we remand for correction of the judgment and sentence to reflect that Taylor was sentenced as a PRR on count two only. See Hetman v. State, 185 So. 3d 644, 644 (Fla. 2d DCA 2016) (directing trial court to remove erroneous PRR designations in conformity with the trial court's oral pronouncement of sentences); see also Herrera v. State, 276 So. 3d 60, 60 (Fla. 2d DCA 2019) (affirming an order denying relief but remanding to correct a scrivener's error in the judgment).

Affirmed and remanded with instructions.

BLACK and SLEET, JJ., Concur.