

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

SYLVESTER BROWN,)
)
 Appellant,)
)
v.)
)
STATE OF FLORIDA,)
)
 Appellee.)

)

Case No. 2D19-4083

Opinion filed December 18, 2020.

Appeal from the Circuit Court for Hillsborough County; Christopher Sabella, Judge.

Howard L. Dimmig, II, Public Defender, and Susan M. Shanahan, Assistant Public Defender, Bartow, for Appellant.

Ashley Moody, Attorney General, Tallahassee, and Cerese Crawford Taylor, Assistant Attorney General, Tampa, for Appellee.

LABRIT, Judge.

Sylvester Brown appeals from his judgment and sentence and challenges the denial of his motion to withdraw guilty plea after sentencing. We affirm the decision in all respects, but we remand for correction of two scrivener's errors.

Mr. Brown notes that the written judgment and sentence states that he was tried and found guilty by a jury, when he actually entered a negotiated plea of guilty; and the judgment and sentence inaccurately indicates that Mr. Brown entered a plea of not guilty to felony battery. We remand for correction of these scrivener's errors. See Ashley v. State, 850 So. 2d 1265, 1268 n.3 (Fla. 2003) (defining a scrivener's error as a written clerical error that is not "the result of a judicial determination or error" (quoting Amends. to Fla. R. Crim. P. 3.111(e) & 3.800, 761 So. 2d 1015, 1023 (Fla. 2000))); see also Carter v. State, 173 So. 3d 1048, 1051 (Fla. 1st DCA 2015) (affirming judgment but remanding for correction of scrivener's error where scoresheet incorrectly indicated plea instead of trial).

Affirmed and remanded with instructions.

KHOUZAM, C.J., and BLACK, J., Concur.