

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DAVID L. STEPHENS,)	
)	
Appellant,)	
)	
v.)	Case No. 2D01-5581
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed October 16, 2002.

Appeal from the Circuit Court for
Sarasota County; Robert B. Bennett, Jr.,
Judge.

James Marion Moorman, Public
Defender, and Allyn M. Giambalvo,
Assistant Public Defender, Bartow, for
Appellant.

Robert A. Butterworth, Attorney
General, Tallahassee, and Robert J.
Krauss, Senior Assistant Attorney
General, Chief of Criminal Law, Tampa,
for Appellee.

PER CURIAM.

David L. Stephens appeals his judgments and sentences for possession of cocaine and providing a false name upon arrest. We affirm the convictions. We affirm the sentences imposed but remand to correct a scrivener's error in the written sentence. According to the oral pronouncement, Mr. Stephens was sentenced to 11 months and 29 days in jail for count two, a first-degree misdemeanor. As to count one, a third-degree felony, Mr. Stephens was sentenced to a concurrent term of 11 months and 29 days in jail, to be followed by 2 years' community control and 2 years' probation. The written sentence denotes that Mr. Stephens received the same sentences for both counts, except that the 2 years' probation does not apply to count two, the misdemeanor. The sentence should actually reflect that neither the community control nor the probation applies to count two.

Affirmed; remanded to correct scrivener's error.

ALTENBERND, SALCINES and STRINGER, JJ., Concur.