

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

BOBBY LEE HUBERT,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Case No. 2D02-2117

Opinion filed December 3, 2003.

Appeal from the Circuit Court for Charlotte  
County; Donald E. Pellecchia, Judge.

Kevin C. Shirley, Punta Gorda, for  
Appellant.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and Ann Sheer Weiner,  
Assistant Attorney General, Tampa, for  
Appellee.

SALCINES, Judge.

Bobby Lee Hubert appeals from the sentence imposed pursuant to his  
nolo contendere plea to lewd or lascivious battery.<sup>1</sup> He challenges only a preserved

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<sup>1</sup> The judgment erroneously described this offense as "lewd sexual battery."

scoresheet error for which the State concedes error. The error, however, is harmless as to trial court case number 01-558-CF, the single case which is the subject of this appeal. Accordingly, we affirm without prejudice to Hubert's right to file a motion for correction of the sentencing error pursuant to Florida Rule of Criminal Procedure 3.800(a).

Affirmed.

STRINGER and WALLACE, JJ., Concur.