

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

BRIAN K. GRAY,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D02-4453
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed December 12, 2003.

Appeal from the Circuit Court for Manatee  
County; Deno G. Economou, Judge.

James Marion Moorman, Public Defender,  
and Maureen E. Surber, Assistant Public  
Defender, Bartow, for Appellant.

Brian K. Gray, pro se.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and Jenny Scavino Sieg,  
Assistant Attorney General, Tampa, for  
Appellee.

VILLANTI, Judge.

Brian Gray challenges his conviction and sentence for lewd and lascivious  
exhibition by a person over eighteen to a child under sixteen. We affirm but remand for  
correction of Gray's sentencing scoresheet.

Gray's scoresheet includes 3.6 points for a prior Georgia offense, which the State properly concedes constituted a "nonconviction" under Florida Rule of Criminal Procedure 3.701(d)(5)(A). While we find the inclusion of these points on the scoresheet to be error, based on the transcript of the sentencing hearing, we find the error harmless. Accordingly, we affirm Gray's conviction and sentence but remand for correction of his sentencing scoresheet.

Affirmed but remanded for correction of the sentencing scoresheet.

KELLY, J., and THREADGILL, EDWARD F., SENIOR JUDGE, Concur.