

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

JOSE BALMORI,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D03-5085
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed October 28, 2005.

Appeal from the Circuit Court  
for Sarasota County;  
Lee E. Haworth, Judge.

Ricardo P. Hermida,  
Coral Gables, for Appellant.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and William I. Munsey, Jr.,  
Assistant Attorney General, Tampa,  
for Appellee.

CANADY, Judge.

Jose Balmori appeals his conviction for attempted trafficking in heroin over twenty-eight grams but less than thirty kilograms. In this appeal briefed pursuant to Anders v. California, 386 U.S. 738 (1967), we conclude that no reversible error exists. However, we direct the trial court to correct a scrivener's error in the written judgment.

See Burttram v. State, 846 So. 2d 1201 (Fla. 2d DCA 2003); Johnson v. State, 840 So. 2d 1115 (Fla. 1st DCA 2003). Attempted trafficking in heroin in an amount less than thirty kilograms is a second-degree felony, not a first-degree felony as reflected on the judgment. §§ 893.135(1)(c)(1), 777.04(4)(c), Fla. Stat. (2002). The judgment shall be corrected to show that Balmori's offense is a second-degree felony.

Affirmed.

FULMER, C.J., and WHATLEY, J., Concur.