

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

RICHARD THOMAS WIMMER,)	
)	
Appellant,)	
)	
v.)	Case No. 2D05-4682
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
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Opinion filed August 30, 2006.

Appeal from the Circuit Court for
Pinellas County; Shawn Crane, Acting
Circuit Judge.

James Marion Moorman, Public
Defender, and Andrea S. Manthorne,
Special Assistant Public Defender,
Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Tiffany Gatesh
Fearing, Assistant Attorney General,
Tampa, for Appellee.

PER CURIAM.

Richard Thomas Wimmer appeals a judgment and sentence for felony
DUI and driving while license suspended. We affirm the judgment and sentences
without further comment, but remand for a correction of a scrivener's error in the

sentence for felony DUI. Although the trial court orally imposed a sentence of three years' probation, a special condition of which was that Mr. Wimmer serve nine months of that term in jail, the written sentence reflects a sentence of nine months in jail followed by three years of probation.

Affirmed; sentence for felony DUI remanded to correct scrivener's error.

ALTENBERND, DAVIS, and KELLY, JJ., Concur.