

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MICHAEL ANDREW CARTER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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Case No. 2D08-2256

Opinion filed July 8, 2009.

Appeal from the Circuit Court for Lee
County; Thomas S. Reese, Judge.

James Marion Moorman, Public Defender,
and Richard P. Albertine, Jr., Assistant
Public Defender, Bartow, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Marilyn Muir Beccue,
Assistant Attorney General, Tampa, for
Appellee.

LaROSE, Judge.

Michael Andrew Carter appeals his conviction and sentence for robbery
with a weapon. We affirm. Mr. Carter correctly notes, however, that the written
judgment mistakenly reflects a conviction for robbery with a firearm or deadly weapon

instead of robbery with a weapon. See §§ 812.13(2)(a), (b), Fla. Stat. (2006). As the State concedes, remand is necessary to correct this scrivener's error. See Flesner v. State, 890 So. 2d 331, 332 (Fla. 2d DCA 2004).

Affirmed, but remanded for correction of scrivener's error.

KHOUZAM and CRENSHAW, JJ., Concur.