

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DARYL ANTHENNY COLE,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D09-1356

Opinion filed October 13, 2010.

Appeal from the Circuit Court for
Hillsborough County; Daniel H. Sleet,
Judge.

James Marion Moorman, Public Defender,
and Brad Permar, Assistant Public
Defender, Bartow, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Sara Macks, Assistant
Attorney General, Tampa, for Appellee.

DAVIS, Judge.

Daryl Anthenny Cole challenges his convictions and sentences for
possession of cocaine with intent to sell or deliver, two counts of battery on a law
enforcement officer, obstructing or opposing an officer with violence, possession of

cannabis, and possession of drug paraphernalia. Finding no reversible error we affirm his convictions and sentences. We remand for the limited purpose of correcting a scrivener's error which appears on the face of the written judgment. Although the record reflects that Cole was charged with six counts, the written judgment reflects counts seven and eight as "no information filed." Such counts do not otherwise appear in the record and are erroneously included on the written judgment. Accordingly, we remand for the trial court to correct this error. See Newson v. State, 867 So. 2d 603 (Fla. 2d DCA 2004).

Affirmed; remanded with instructions.

WHATLEY and KHOUZAM, JJ., Concur.