

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

CESELY BAEZ,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D11-1022

Opinion filed June 8, 2012.

Appeal from the Circuit Court for
Hillsborough County; Wayne S.
Timmerman, Judge.

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

Pamela Jo Bondi, Attorney General,
Tallahassee, and Ronald Napolitano,
Assistant Attorney General, Tampa,
for Appellee.

KELLY, Judge.

Cesely Baez appeals her judgments and sentences for robbery and
attempted robbery following the revocation of her community control/probation. We

affirm the order revoking Baez's community control/probation without further comment. However, we agree with Baez, and the State concedes, that remand is required to correct a scrivener's error in the amended judgment and for entry of an amended revocation order.

The trial court granted Baez's motion to correct sentencing error filed under Florida Rule of Criminal Procedure 3.800(b) and ordered that Baez's sentence for attempted robbery (count II), a third-degree felony, be reduced from fifteen to five years' imprisonment. See §§ 812.13(2)(c), 777.04(4)(d), 775.082(3)(d), Fla. Stat. (2009). The amended judgment, however, continues to show attempted robbery as a second-degree felony instead of a third-degree felony. We therefore remand with instructions to correct the amended judgment to properly reflect the degree of this felony conviction. Upon remand, the trial court is also directed to enter an amended revocation order accurately reflecting Baez's five-year sentence on count II.

Affirmed; remanded with directions.

ALTENBERND and KHOUZAM, JJ., Concur.