

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed November 22, 2017.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D17-314  
Lower Tribunal Nos. 08-35130B & 08-35649B

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**Jeffrey Nelson,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Jose L. Fernandez, Judge.

Jeffrey Nelson, in proper person.

Pamela Jo Bondi, Attorney General, and Magaly Rodriguez, Assistant Attorney General, for appellee.

Before SALTER, EMAS, and LOGUE, JJ.

LOGUE, J.

Appellant seeks review of a trial court order that attempted, but failed, to completely conform a written sentence to the oral sentence.

After the Department of Corrections brought to the attention of the trial court a discrepancy between the oral pronouncement of Appellant's sentences and the written sentencing orders, the trial court attempted to correct the discrepancy. See Scott v. State, 109 So. 3d 866, 866 (Fla. 3d DCA 2013) ("The oral pronouncement of sentence prevails over a subsequent and conflicting written sentencing order."); Wright v. State, 98 So. 3d 1215, 1216 (Fla. 3d DCA 2012) ("[A]ny discrepancy between the oral pronouncement and the written sentence requires the written sentence to be corrected to conform to the court's oral pronouncement."). But as the State commendably acknowledges, the corrected sentencing orders under review do not remedy the conflict between the original written sentences and the oral pronouncements of Appellant's sentences.

Reversed and remanded to conform written sentencing orders to oral pronouncements.