

Third District Court of Appeal

State of Florida

Opinion filed January 23, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-1333
Lower Tribunal No. 18-2956

Morris Dalkeith,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Diane V. Ward,
Judge.

Carlos J. Martinez, Public Defender, and Jeffrey Paul DeSousa, Assistant
Public Defender, for appellant.

Ashley Brooke Moody, Attorney General, and Christina L. Dominguez,
Assistant Attorney General, for appellee.

Before LOGUE and HENDON, JJ., and LUCK, Associate Judge.

PER CURIAM.

The defendant, Morris Dalkeith, appeals his conviction for trespass in a conveyance. We affirm, but remand for correction of the judgment to reflect that trespass in a conveyance is a second-degree misdemeanor, §§ 810.08(1) & (2)(a), Fla. Stat. (2018), not a first-degree misdemeanor as listed in the judgment. As counsel for the parties candidly admit that the error was a scrivener's error, not judicial error, which when corrected will not affect the defendant's sentence, the judgment may be corrected without conducting a new sentencing hearing. Malone v. State, 225 So. 3d 335, 335 (Fla. 3d DCA 2017).

Affirmed and remanded with instructions.