

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-1505
LT Case No. 2021-CF-1111

TYRONE WARREN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Lake County.
Cary F. Rada, Judge.

Matthew J. Metz, Public Defender, and Judson Searcy, Assistant
Public Defender, Daytona Beach, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Robin A.
Compton, Assistant Attorney General, Daytona Beach, for
Appellee.

December 5, 2025

PER CURIAM.

In this *Anders*¹ appeal, we affirm Appellant's judgment and
sentence. We remand only for correction of scrivener's errors in
the written sentence.

¹ *Anders v. California*, 386 U.S. 738 (1967).

Below, Appellant moved to correct sentencing errors pursuant to Florida Rule of Criminal Procedure 3.800(b), arguing his written Judgment and Sentence and Final Judgment Assessing Charges, Costs, and Fines each included a \$250 fine and \$12.50 surcharge on count 1 that was not orally pronounced at sentencing. The trial court entered an order striking the fine and surcharge and rendered a Second Amended Final Judgment Assessing Charges, Costs, and Fines in which the fine and surcharge were stricken. However, the trial court failed to also amend Appellant's Judgment and Sentence to remove the fine and surcharge.

We cannot conclude that this error is harmless beyond a reasonable doubt. Thus, we remand for entry of amended sentencing documents striking the discretionary \$250 fine and surcharge in accordance with the lower court's ruling on Appellant's motion and consistent with the Second Amended Final Judgment Assessing Charges, Costs, and Fines. *See Johnson v. State*, 354 So. 3d 598, 600 (Fla. 2d DCA 2022).

AFFIRMED; REMANDED with instructions.

EISNAUGLE and KILBANE, JJ., concur.
EDWARDS, J., concurs in result only.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*
