

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2010

WILLIE A. LOCKETT,

Appellant,

v.

Case No. 5D10-1065

STATE OF FLORIDA,

Appellee.

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Opinion filed December 30, 2010

Appeal from the Circuit Court
for Lake County,
G. Richard Singeltary, Judge.

James S. Purdy, Public Defender, and
Kevin R. Holtz, Assistant Public Defender,
Daytona Beach, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Douglas T. Squire,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm as to all points raised by Appellant for the reasons stated by Appellee. We note one error on the face of the record that necessitates correction. Appellant was sentenced to eleven months and twenty-nine days on count 3, a second-degree misdemeanor, which exceeds the statutory maximum for that offense. We therefore

reverse the sentence on that count and remand for the imposition of a sixty-day sentence. §775.082(4)(b), Fla. Stat. (2009). Appellant need not be present when the new sentence is imposed.

AFFIRMED IN PART; REVERSED IN PART AND REMANDED.

PALMER, TORPY and JACOBUS, JJ., concur.