

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

JANUARY TERM 2011

JESSE RONNIE STRICKLAND,

Appellant,

v.

Case No. 5D11-18

STATE OF FLORIDA,

Appellee.

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Opinion filed March 18, 2011

3.800 Appeal from the Circuit Court  
for Lake County,  
T. Michael Johnson, Judge.

Jesse R. Strickland, Crawfordville, pro se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Allison Leigh Morris,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Strickland appeals from the summary denial of his motion for post-conviction relief. Although Strickland has designated his motion as being filed pursuant to Florida Rule of Criminal Procedure 3.800, the trial court treated his motion as a rule 3.850 motion and denied same as untimely. We affirm, except as to Strickland's claim that the trial court's oral pronouncement of sentence with regard to costs conflicted with the written judgment.

The Florida Supreme Court has held that an alleged discrepancy between the orally pronounced sentence and the written judgment of sentence is cognizable in a Rule 3.800(a) motion to correct illegal sentence. *Williams v. State*, 957 So. 2d 600 (Fla. 2007). The State concedes that, as to this issue, reversal is required because the trial court failed to attach documentation to its order conclusively refuting Strickland's claim.

AFFIRMED in part; REVERSED in part; REMANDED.

PALMER, TORPY and EVANDER, JJ., concur.