

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

JANUARY TERM 2012

JAMES FRANCOIS,

Appellant,

v.

Case No. 5D11-2148

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed February 17, 2012

Appeal from the Circuit Court
for Orange County,
Janet Thorpe, Judge.

James S. Purdy, Public Defender, and
Allison A. Havens, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Wesley Heidt, Assistant
Attorney General, Daytona Beach, for
Appellee.

PER CURIAM.

After a full and independent review of the record, we affirm Francois' convictions and sentences but remand to the trial court to correct the judgment to reflect that

Francois' conviction on Count II (robbery with a firearm) is for a first-degree felony punishable by life rather than a second-degree felony.

AFFIRMED.¹

PALMER, EVANDER and JACOBUS, JJ., concur.

¹Our affirmance is without prejudice to Francois' right to seek postconviction relief as to the apparent sentencing errors on Counts III-V. See *Dunbar v. State*, 35 So. 3d 54, 55 (Fla. 5th DCA 2010) (sentencing errors that occur after effective date of amendment to Florida Rule of Criminal Procedure 3.800(b), even if formerly deemed fundamental or patent on face of record, cannot be reviewed by appellate court if issue is not raised at sentencing or in timely post-sentencing proceeding pursuant to rule 3.800); see also *Williams v. State*, 56 So. 3d 899 (Fla. 5th DCA 2011).