

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

JANUARY TERM 2008

TIMOTHY LEE WINDOM,

Appellant,

v.

Case No. 5D08-206

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 3, 2008

3.850 Appeal from the Circuit
Court for Orange County,
Tim Shea, Judge.

Timothy L. Windom, Okeechobee, pro se.

Bill McCollum, Attorney General,
Tallahassee, and Bonnie Jean Parrish,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We, affirm, but remand for the limited, ministerial duty of correcting defendant's sentence on Count 1 by deleting the 10-year minimum mandatory, and by correcting the degree of the offense from a life felony to a first-degree felony punishable by life. As in *Velez v. State*, 2008 WL 649479, 33 Fla. L. Weekly D721 (Fla. 3d DCA Mar 12, 2008), it is not necessary for the appellant to be present in person at the resentencing.

See also Richardson v. Moore, 754 So. 2d 64, 65 (Fla. 3d DCA 2000); *Windisch v. State*, 709 So. 2d 606, 607 (Fla. 2d DCA 1998).

AFFIRMED and REMANDED.

PLEUS, MONACO and COHEN, JJ., concur.