

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Luther v. State of Florida

No. 1D2024-0041 · No. 1D2024-0041 · Decided April 29, 2026

OPINION

Luther v. State of Florida

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ No. 1D2024-0041 _____

JOSEPH LUTHER,

Appellant, v.

STATE OF FLORIDA,

Appellee. _____ On appeal from the Circuit Court for Taylor County. Gregory Stuart Parker, Judge. April 29, 2026 PER CURIAM. Appellant raises several issues on appeal, but we write to address only one. The trial court orally pronounced concurrent life sentences for Counts I and II, but the written order states that the sentences are to be served consecutively. The State correctly concedes error. A written sentencing order must conform to the orally pronounced sentence, and where there is conflict, the orally pronounced sentence prevails. *Ashley v. State*, 850 So. 2d 1265, 1268 (Fla. 2003); *Morris v. State*, 292 So. 3d 838, 839 (Fla. 1st DCA 2020). We therefore REVERSE IN PART and REMAND for the trial court to enter a written sentencing order in conformity with its oral pronouncement. We AFFIRM the judgment and sentence in all other respects. RAY, WINOKUR, and TREADWELL, JJ., concur.

_____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ Jessica J. Yeary, Public Defender, and Richard M. Bracey, III, Assistant Public Defender, Tallahassee, for Appellant. James Uthmeier, Attorney General, and Julian E. Markham, III, Tallahassee, for Appellee. 2