

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D22-1385
LT Case No. 2017-CF-000626-A

ANTHONY JEROME BROOKS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Lake County.
James Baxley, Judge.

Gregg R. Brennan, of Law Offices of Gregg R. Brennan, P.A.,
Weirsdale, for Appellant.

Ashley Moody, Attorney General, Tallahassee, and Alyssa M.
Williams, Assistant Attorney General, Daytona Beach, for
Appellee.

April 5, 2024

PER CURIAM.

In this *Anders*¹ appeal, we affirm Anthony Brooks's judgment
and sentence. We remand, however, for the trial court to reimpose

¹ *Anders v. California*, 386 U.S. 738 (1967).

the portion of the cost of prosecution and the cost of the public defender that each exceeded \$100, either upon Brooks’s agreement to pay them or upon the submission of competent substantial evidence to support them. *See Icon v. State*, 322 So. 3d 117, 119 (Fla. 4th DCA 2021). Courts may only impose an amount higher than \$100 for the cost of prosecution and the cost of the public defender “upon showing of sufficient proof of higher fees or costs incurred.” § 938.27(8), Fla. Stat. (2022).

AFFIRMED and REMANDED with instructions.

SOUD, BOATWRIGHT, and MACIVER, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
