

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

ANTRAVEIUS TYRELL
BAKER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D10-4348

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Opinion filed May 1, 2012.

An appeal from the Circuit Court for Duval County.
David M. Gooding, Judge.

Nancy A. Daniels, Public Defender, and Danielle Jordan, Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Jennifer J. Moore, Assistant Attorney
General, Tallahassee, for Appellee.

Amended Opinion

PER CURIAM.

Antraveius T. Baker challenges his judgment of conviction and sentence for
trafficking in more than 200 grams but less than 400 grams of cocaine. We affirm

the conviction without comment, but we reverse certain costs imposed by the trial court and remand for a corrected sentencing order.

When the trial court orally announced sentence, it did not impose an assessment for (i) the sheriff's office investigation costs, (ii) the prosecution investigative cost, and (iii) the FDLE operation trust fund. These costs, which were assessed against appellant in the written order of sentence, are therefore improper. See Pullam v. State, 55 So. 3d 674 (Fla. 1st DCA 2011). Further, because appellant was not given the opportunity to contest the public defender fee, it too was erroneously assessed. See § 938.29(5), Fla. Stat. (2010). On remand, these costs are to be struck.

We otherwise affirm appellant's conviction, and reject his argument that section 893.13(1)(a), Florida Statutes (2010), is unconstitutional. See Flagg v. State, 74 So. 3d 138 (Fla. 1st DCA 2011).

AFFIRMED in part, REVERSED in part and REMANDED.

VAN NORTWICK, THOMAS, and ROWE, JJ., CONCUR.