

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

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

THEODORE ROOSEVELT FOULKES,

Appellant,

v.

Case No. 5D16-939

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed July 7, 2017

Appeal from the Circuit Court  
for Volusia County,  
Terence R. Perkins, Judge.

James S. Purdy, Public Defender, and Ali L.  
Hansen, Assistant Public Defender,  
Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Robin A. Compton,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Theodore Foulkes entered a no contest plea to possession of cannabis in excess of twenty grams after the denial of his dispositive motion to suppress. We affirm, without discussion, the trial court's denial of Foulkes' motion to suppress. However, we agree with Foulkes that the trial court erred in imposing costs of investigation where the State

did not expressly request these costs. On remand, the State shall be afforded another opportunity to request costs of investigation. *McCarthy v. State*, 893 So. 2d 689, 690 (Fla. 5th DCA 2005).

AFFIRMED, in part; REVERSED, in part; and REMANDED.

COHEN, C.J., and TORPY and EVANDER, JJ., concur.