

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

DEREK LEVON O'NEAL,

Appellant,

v.

Case No. 5D19-3048

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 27, 2020

Appeal from the Circuit Court
for Putnam County,
Howard O. McGillin, Jr. , Judge.

James S. Purdy, Public Defender, and
Glendon G. Gordon, Jr., Assistant Public
Defender, Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Marjorie Vincent-Tripp,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm Derek Levon O'Neal's judgment and sentence. However, we remand for the trial court to strike the \$100 investigative cost assessed pursuant to section 938.27(1), Florida Statutes (2019), and imposed as a "standard" cost. "Trial courts may impose investigatory costs, but only when requested by the State or agency involved." *Rogers v.*

State, 45 Fla. L. Weekly D200 (Fla. 5th DCA Jan. 24, 2020) (internal citations omitted);
accord Richards v. State, 288 So. 3d 574 (Fla. 2020).

AFFIRMED; REMANDED WITH INSTRUCTIONS.

EISNAUGLE, SASSO and TRAVER, JJ., concur.