

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

TORREN DENNIS,

Appellant,

v.

Case No. 5D19-3499

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed August 28, 2020

Appeal from the Circuit Court
for St. Johns County,
Howard M. Maltz, Judge.

Eddie J. Bell, of Law Office of Eddie J. Bell,
Daytona Beach, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Douglas T. Squire,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

In this *Anders*¹ appeal, we affirm, without further discussion, the judgments and sentences imposed upon Appellant by the trial court in two cases below, with one exception. In case number 2016-CF-1138, we strike, without prejudice, the \$200 charge

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

for the cost of prosecution assessed under section 938.27(8), Florida Statutes (2019), and the separate \$200 charge for “Indigency Defense Cost” imposed under section 938.29(1)(a), Florida Statutes (2019), against Appellant because each exceeds the \$100 mandatory minimum assessments under these statutes and was imposed without notice to Appellant that the court intended to assess more than the statutory-minimum amounts. See *Chivese v. State*, 295 So. 3d 324, 325–26 (Fla. 5th DCA 2020).

Accordingly, we remand for the trial court either to enter an amended cost judgment that imposes the mandatory minimum \$100 cost of prosecution and \$100 indigency defense cost under these two statutes or, if the court intends to impose more than the \$100 minimum assessments, to hold an evidentiary hearing with proper notice to Appellant that provides him with the opportunity to be heard on this issue. See *id.* at 326.

AFFIRMED; REMANDED with directions.

COHEN, LAMBERT, and SASSO, JJ., concur.