

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

DWAYNE RODRIGUEZ,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D11-6155

Opinion filed December 5, 2012.

An appeal from the Circuit Court for Leon County.
Stewart E. Parsons, Judge.

Sheila Callahan, Assistant Conflict Counsel, Office of Criminal Conflict and Civil
Regional Counsel, Region One, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

We affirm appellant's judgment and sentence. However, we find the trial court erred in imposing a \$20 cost for the Crime Stoppers Trust Fund pursuant to section 938.06, Florida Statutes (2009). Because the trial court struck the fine imposed on appellant in response to his Florida Rule of Criminal Procedure 3.800(b) motion, the court erred in failing to strike that cost. See Sanders v. State, 37 Fla. L. Weekly D2313 (Fla. 1st DCA Oct. 3, 2012).

Further, we find the trial court erred in imposing a \$100 public defender fee pursuant to section 938.29, Florida Statutes (2009), because appellant was not given notice and opportunity to be heard. See Clavelle v. State, 80 So. 3d 456 (Fla. 1st DCA 2012). Therefore, we remand for the trial court to strike the \$20 Crime Stoppers Trust Fund cost and to give appellant the opportunity to be heard on the public defender fee.

AFFIRMED AND REMANDED WITH INSTRUCTIONS.

WOLF, VAN NORTWICK and LEWIS, JJ., CONCUR.