

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-0147

KEITH JACKSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Angela M. Cox, Judge.

January 8, 2020

PER CURIAM.

This is an appeal pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), of a judgment and sentence for second-degree murder, false imprisonment, and possession of a firearm by a convicted felon. We affirm Appellant's convictions without discussion. However, the trial court erred in imposing the \$65 discretionary cost pursuant to section 939.185, Florida Statutes, and a \$50 discretionary cost pursuant to section 775.083(2), Florida Statutes, neither of which was pronounced at sentencing, without giving Appellant notice and an opportunity to be heard. The trial court also erred by ordering Appellant to pay \$100 in sheriff's investigative cost pursuant to section 938.27(1), Florida Statutes, without a request from the agency as required by the statute.

Accordingly, we reverse the \$65 discretionary cost and the \$50 discretionary cost. On remand, the trial court may reimpose these costs after providing notice to Appellant and following the proper procedures; if the trial court decides not to reimpose the costs, it can enter a corrected judgment and sentence striking them. We also reverse the \$100 in sheriff's investigative cost, but on remand the trial court may not reimpose this cost because there is no record evidence the agency requested the cost. *See Mills v. State*, 177 So. 3d 984 (Fla. 1st DCA 2015); *DeSalvo v. State*, 107 So. 3d 1185, 1187 (Fla. 1st DCA 2013).

AFFIRMED in part, REVERSED in part, and REMANDED with directions.

WOLF, ROWE, and WINOKUR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Andy Thomas, Public Defender, and David A. Henson, Assistant Public Defender, Tallahassee, for Appellant; Keith Jackson, pro se, Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.