

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-586

WILSON J. MOUNT,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Walton County.
Kelvin C. Wells, Judge.

March 9, 2022

PER CURIAM.

Wilson Mount appeals the revocation of the probation given him on his felony battery conviction, a third-degree felony. The revocation came after Mount admitted to violating the terms of his probation with a new law violation. As part of that revocation, the trial court sentenced Mount to the lowest permissible duration, thirty-one and a half months in prison.

At the revocation hearing, the State did not request that the court assess any more than the statutorily mandated \$100 as the cost of prosecution for a felony, so it also did not present any proof of costs exceeding that amount. *See* § 938.27(8), Fla. Stat. The trial court in turn orally pronounced an assessment of the \$100 prosecution cost, but a judgment for fines and costs that the court

subsequently rendered reflects an assessment of \$200. This of course was error. Mount properly preserved the issue, *see* Fla. R. Crim. P. 3.800(b)(2); Fla. R. App. P. 9.140(e); and the State concedes error on this point. In turn, while we AFFIRM the revocation order, including the sentence it imposed, we VACATE the judgment for fines and costs and REMAND the matter so that the trial court can render a corrected judgment.

WINOKUR, NORDBY, and TANENBAUM, JJ., concur.

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

Jessica J. Yeary, Public Defender, and Glen P. Gifford, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Tabitha R. Herrera, Assistant Attorney General, Tallahassee, for Appellee.