

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D21-1752

DEAN ALLEN MATTHEWS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Santa Rosa County.
John F. Simon, Jr., Judge.

August 24, 2022

PER CURIAM.

A jury found Appellant guilty of three counts of sexual battery with force likely to cause serious personal injury, and the trial court sentenced him to life in prison. As preserved for review by his motion to correct a sentencing error under Florida Rule of Criminal Procedure 3.800(b)(2), Appellant challenges the trial court's imposition of a \$151 court cost under section 938.10, Florida Statutes. That statute mandates the imposition of such a cost when a defendant commits an offense "against a minor" in violation of certain criminal statutes. § 938.10(1), Fla. Stat.

As the State concedes and the record confirms, the victim in this case was not a minor. Accordingly, the \$151 cost is unauthorized. We remand the case to the trial court with

instructions to strike the \$151 cost under section 938.10. In all other respects, we affirm Appellant's convictions and sentences. Because the correction of Appellant's written sentencing document is a ministerial act, neither a resentencing nor Appellant's presence is required.

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

KELSEY, JAY, and M.K. THOMAS, 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 David A. Henson, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Julian E. Markham, Assistant Attorney General, Tallahassee, for Appellee.