

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

DEQUAN DAVIS,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D18-1437
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed December 13, 2019.

Appeal from the Circuit Court for  
Hillsborough County; Lisa B. Campbell,  
Judge.

Howard L. Dimmig, II, Public Defender, and  
Julius J. Auliso, Assistant Public Defender,  
Bartow, for Appellant.

Ashley Moody, Attorney General,  
Tallahassee, and Allison C. Heim, Assistant  
Attorney General, Tampa, for Appellee.

PER CURIAM.

We affirm Mr. Davis's judgement and sentences without elaboration  
except as to certain fees as costs described below. See State v. Wright, 260 So. 3d  
1076, 1077-78 (Fla. 4th DCA 2018); Martinez v. State, 256 So. 3d 897, 900 (Fla. 4th  
DCA 2018); Young v. State, 219 So. 3d 206, 208-09 (Fla. 5th DCA 2017). As to those

fees and costs, we reverse and remand for correction of the judgment and sentences following such further proceedings as are required.

The \$100 cost of prosecution must be stricken as the State did not request that cost. See § 938.27(1), Fla. Stat. (2015). That cost may not be reimposed on remand. See Mercado v. State, 43 Fla. L. Weekly D2340, D2340 (Fla. 2d DCA Oct. 17, 2018).

The felony mandatory court cost of \$410 must be reduced to the statutory maximum of \$225. See § 938.05(1)(a), Fla. Stat. (2015).

The public defender application fee of \$100 must be reduced to the statutory maximum of \$50. See § 27.52(1)(b), Fla. Stat. (2015).

The public defender lien must be stricken as Mr. Davis was not given notice of his right to contest the \$100 amount. See Newton v. State, 262 So. 3d 849, 850 (Fla. 2d DCA 2018). On remand, the trial court shall afford Mr. Davis the opportunity to object to the amount imposed. See Neal v. State, 62 So. 3d 1277, 1278 (Fla. 2d DCA 2011).

Affirmed in part, reversed in part, and remanded.

MORRIS, BLACK, and LUCAS, JJ., Concur.