

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

VINCENT BERNARD SPELLS,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D05-1883

Opinion filed September 6, 2006.

Appeal from the Circuit Court for Pinellas
County; R. Timothy Peters, Judge.

James Marion Moorman, Public Defender,
and William L. Sharwell, Assistant Public
Defender, Bartow, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Richard M. Fishkin,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

Vincent Bernard Spells appeals the judgments and sentences that were imposed on him after a jury found him guilty of trafficking in heroin, possession of cocaine, and possession of marijuana. Mr. Spells argues that the trial court erred in

denying his motion to suppress evidence obtained after the execution of a search warrant. We conclude that the search warrant was properly issued and that the trial court correctly denied Mr. Spells' motion to suppress. Accordingly, we affirm Mr. Spells' judgments and sentences.

In a separate issue, Mr. Spells argues that a \$2 cost item assessed in accordance with section 938.15, Florida Statutes (2004), should be stricken because it may be assessed only for a violation of a county or municipal ordinance. Mr. Spells preserved this issue by filing an appropriate motion under Florida Rule of Criminal Procedure 3.800(b)(2). We affirm the imposition of the \$2 in costs under the statute. See Kimball v. State, 933 So. 2d 1285 (Fla. 2d DCA 2006).

Affirmed.

WHATLEY, KELLY, and WALLACE, JJ., Concur.