

Supreme Court of Florida

No. SC00-10

LUCIOUS TIBBS, III,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[June 15, 2000]

PER CURIAM.

We have for review a decision of the First District Court of Appeal certifying the following question to be one of great public importance:

DOES THE FAILURE OF THE TRIAL COURT TO
ORALLY PRONOUNCE EACH STATUTORILY
AUTHORIZED COST INDIVIDUALLY AT THE TIME
OF SENTENCING CONSTITUTE FUNDAMENTAL
ERROR?

Tibbs v. State, 745 So. 2d 1144 (Fla. 1st DCA 1999). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const. For the reasons expressed in our opinion in Maddox v.

State, 25 Fla. L. Weekly S367 (Fla. May 11, 2000), we answer the certified question in the negative. We approve the decision below and find that the unpreserved sentencing errors asserted in this case do not constitute fundamental error.

It is so ordered.

HARDING, C.J., and SHAW, WELLS, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

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

Application for Review of the Decision of the District Court of Appeal -
Certified Direct Conflict of Decisions

First District - Case No. 1D98-722

(Volusia County)

Nancy A. Daniels, Public Defender, and Fred Parker Bingham, II, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, and James W. Rogers, Bureau Chief, Criminal Appeals, Tallahassee, Florida,

for Respondent