

Supreme Court of Florida

No. SC93163

STATE OF FLORIDA,
Petitioner,

vs.

EZEKIAS MIKE,
Respondent.

[June 15, 2000]

PER CURIAM.

We have for review State v. Mike, 708 So. 2d 1042 (Fla. 1st DCA 1998), wherein the First District certified the following question to be one of great public importance:

WHETHER THE WRONGFUL IMPOSITION OF A PUBLIC DEFENDER'S LIEN CONSTITUTES FUNDAMENTAL ERROR WHICH MAY BE CHALLENGED ON DIRECT APPEAL WITHOUT HAVING BEEN PRESENTED TO THE TRIAL COURT, IN LIGHT OF SECTION 924.051(3), FLORIDA STATUTES (SUPP. 1996), AND AMENDED RULE 3.800(B), FLORIDA RULES OF CRIMINAL

PROCEDURE.

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 quash 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 Great Public Importance

First District - Case No. 1D97-1417

(Suwannee County)

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

for Petitioner

Nancy A. Daniels, Public Defender, and Carol Ann Turner, Assistant Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent