

Supreme Court of Florida

No. SC94180

JOSEPH HODGE,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[June 15, 2000]

PER CURIAM.

We have for review the decision of Hodge v. State, 718 So. 2d 832 (Fla. 4th DCA 1998), in which the Fourth District Court of Appeal cited as controlling authority its decision in Hyden v. State, 715 So. 2d 960 (Fla. 4th DCA 1998), approved sub nom. Maddox v. State, 25 Fla. L. Weekly S367 (Fla. May 11, 2000). We have jurisdiction. See art. V, § 3(b)(3), Fla. Const.; Jollie v. State, 405 So. 2d 418, 420 (Fla. 1981). We recently determined in Maddox that unpreserved errors in the assessment of costs cannot be raised on direct appeal as fundamental error.

Accordingly, we approve the decision below.

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 -
Direct Conflict

Fourth District - Case No. 4D97-4041

(Palm Beach County)

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for Petitioner

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for Respondent