

Supreme Court of Florida

No. SC93077

STATE OF FLORIDA,
Petitioner,

vs.

RICKY ALLEN DODSON,
Respondent.

[June 15, 2000]

PER CURIAM.

We have for review Dodson v. State, 710 So. 2d 159 (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. 1D97-526

(Okaloosa County)

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

for Petitioner

Nancy A. Daniels, Public Defender, and Glen P. Gifford, Assistant Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Respondent