

Supreme Court of Florida

No. SC94348

WAVELL HEIRD,
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?

Heird v. State, 734 So. 2d 1059 (Fla. 1st DCA 1998). 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. Although Heird argues that the record on appeal does not establish that he was in fact served with the written sentencing order, this type of claim is inappropriate for direct appeal. See id. at S374 n.13. 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 Great Public Importance

First District - Case No. 1D97-1385

(Jackson County)

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

for Petitioner

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

for Respondent