

# Supreme Court of Florida

---

No. SC94640

---

**MICHAEL JEROME McCRAY**  
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?

McCray v. State, 24 Fla. L. Weekly D75 (Fla. 1st DCA Dec. 28, 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. 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. 1D96-4950

(Duval 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, Tallahassee Bureau Chief, Criminal Appeals, and Trisha E. Meggs, Assistant Attorney General, Tallahassee, Florida,

for Respondent