

Supreme Court of Florida

No. SC94752

DEREK ADSIDE,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[September 14, 2000]

PER CURIAM.

We have for review Adside v. State, 722 So. 2d 228 (Fla. 5th DCA 1998), which is in express and direct conflict with Dodson v. State, 710 So. 2d 159 (Fla. 1st DCA 1998), on the issue of whether an appellate court may correct an unpreserved error relating to the imposition of court costs and a public defender lien. The Court has jurisdiction. See Art. V, § 3(b)(3), Fla. Const.

Consistent with our decision in Maddox v. State, 760 So. 2d 89 (Fla. 2000), we determine that Adside's unpreserved claims relating to court costs and public defender

lien do not rise to the level of fundamental error which may be reviewed for the first time on direct appeal. Further, based on our decision in Heggs v. State, 759 So. 2d 620 (Fla. 2000), we quash the district court's affirmance of Adside's sentence and remand for resentencing in accordance with the sentencing guidelines in effect on the date of the offense.¹

It is so ordered.

SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.
WELLS, C.J., concurs in part and dissents in part with an opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND IF
FILED, DETERMINED.

WELLS, C.J., concurring in part and dissenting in part.

I concur with that portion of the decision controlled by Maddox v. State, 760 So. 2d 89 (Fla. 2000). I dissent as to that portion controlled by Heggs v. State, 759 So. 2d 620 (Fla. 2000), for the reasons stated in my dissent in that case.

Application for Review of the Decision of the District Court of Appeal -
Direct Conflict

Fifth District - Case No. 5D97-672

(Orange County)

¹ Adside has standing to challenge chapter 95-184, Laws of Florida, on single subject rule grounds. See Trapp v. State, 25 Fla. L. Weekly S429 (Fla. June 1, 2000).

James B. Gibson, Public Defender, and Susan A. Fagan, Assistant Public Defender,
Seventh Judicial Circuit, Daytona Beach, Florida,

for Petitioner

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and Wesley Heidt, Assistant Attorneys General, Daytona Beach, Florida,

for Respondent