

Supreme Court of Florida

No. SC96797

MOUNTAVIOUS JOHNSON,
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?

Johnson v. State, 24 Fla. L. Weekly D1192 (Fla. 1st DCA May 14, 1999). We have jurisdiction. See art. V, § 3(b)(4), Fla. Const. For the reasons expressed in our

opinion in Maddox v. State, Nos. SC92805, SC93000, SC93207, SC93966 (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.¹

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. 1D98-1598

(Nassau County)

Nancy A. Daniels, Public Defender, and Carl S. McGinnes, Assistant Public Defender, Second Judicial Circuit, Tallahassee, Florida,

for Petitioner

Robert A. Butterworth, Attorney General, James W. Rogers, Tallahassee Bureau Chief, Criminal Appeals, and Sherri Tolar Rollison, Assistant Attorney General, Tallahassee, Florida,

for Respondent

¹We decline to address the other issues raised by Johnson that are not the basis of our jurisdiction. See, e.g., Wood v. State, 750 So. 2d 592, 595 n.3 (Fla. 1999); McMullen v. State, 714 So. 2d 368, 373 (Fla. 1998).