Filing # 84631505 E-Filed 02/08/2019 11:03:24 AM

RECEIVED, 02/08/2019 11:12:09 AM, Clerk, Supreme Court

IN THE SUPREME COURT OF THE STATE OF FLORIDA

RONALD JAMES RICHARDS,

Petitioner,

v.

CASE NO. SC19-0024
5th DCA No. 5D17-2704

STATE OF FLORIDA,

Respondent.
_____/

ON DISCRETIONARY REVIEW FROM
THE FIFTH DISTRICT COURT OF APPEAL

APPENDIX

ASHLEY MOODY
ATTORNEY GENERAL

WESLEY HEIDT
ASSISTANT ATTORNEY GENERAL
Fla. Bar. #0773026
444 Seabreeze Blvd.
5th Floor
Daytona Beach, Florida 32118
(386)238-4990
(384)238-4997 (fax)
crimappdab@myfloridalegal.com

COUNSEL FOR RESPONDENT

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

RONALD JAMES RICHARDS,

Appellant,

v. Case No. 5D17-2704

STATE OF FLORIDA,

Appellee.

_____/

Opinion filed December 7, 2018

Appeal from the Circuit Court for
Volusia County,
Leah Case, Judge.

James S. Purdy, Public Defender, and Matthew Funderburk, Assistant Public Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and L. Charlene Matthews, Assistant Attorney General, Daytona Beach, for Appellee.

PER CURIAM.

Ronald Richards appeals his violation of probation sentence arguing that the trial court erred in imposing costs of investigation in the absence of a request from the State or any evidence from the investigating agency. We agree. See Taylor v. State, 242 So. 3d 1203–1204 (Fla. 5th DCA 2018); Foulkes v. State, 221 So. 3d 789, 790 (Fla. 5th DCA

2017). We therefore remand for the trial court to strike these costs from the judgment, noting that the State should be given the opportunity to request the imposition of investigative costs. See McCarthy v. State, 893 So. 2d 689, 690 (Fla. 5th DCA 2005).

REVERSED and REMANDED.

TORPY, LAMBERT, and HARRIS, JJ., concur.