

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Gerald Paul Quaif v. State of Florida

Quaif · No. 5D2024-0888 · Decided January 23, 2026

SUMMARY

The Fifth District Court of Appeal of Florida affirmed Gerald Paul Quaif’s judgment and sentence in an Anders appeal. The court held that correcting a harmless clerical error in the statutory citation for a five percent surcharge is discretionary rather than mandatory, and declined to remand for correction; Judge Wallis concurred in part and dissented in part.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Eisnaugle, J.; Kilbane, J.; Wallis, J.
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	January 23, 2026
DOCKET	5D2024-0888
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anders appeal from a judgment and sentence entered by the Circuit Court for Sumter County.
STANDARD OF REVIEW	Anders review of the record for reversible error; harmless clerical errors in an Anders case need not be corrected by the appellate court.
PRECEDENTIAL VALUE	Published opinion; binding Florida Fifth District authority on the discretionary nature of correcting harmless clerical errors in Anders cases.
PARTIES	Gerald Paul Quaif v. State of Florida

TOPICS

- appellate procedure
- harmless error
- criminal procedure
- sentencing
- statutory interpretation

PRACTICE AREAS

- criminal appellate procedure
- Anders appeals
- sentencing

QUESTIONS PRESENTED

1. Whether an appellate court must remand an Anders case to correct a harmless clerical error in the defendant's written sentence.
2. Whether the incorrect statutory citation for the five-percent surcharge required correction despite the absence of prejudice or reversible error.

HOLDINGS

1. Correcting a clerical error that is harmless to the defendant in an Anders case is, at most, discretionary; the appellate court is not required to remand for correction.
2. The court would not remand to correct the erroneous statutory citation because the error was harmless to the defendant and correction was discretionary rather than mandatory.

KEY QUOTATIONS

“As such, we now hold that correcting a clerical error that is harmless to the defendant in an Anders case is, at most, discretionary.” (at 2)

“While courts should not assume the role of appellate counsel, reversible error should not be ignored simply because an indigent appellant or a public defender failed to point it out.” (at 1)

FACTUAL BACKGROUND

The written sentence imposed fines for each of Quaif's convictions and a five-percent surcharge on each fine. The sentence incorrectly cited section 960.25, Florida Statutes, as authority for the surcharge, although that section no longer exists and the surcharge authority is section 938.04. The parties and court treated the citation error as harmless to Quaif.

PROCEDURAL HISTORY

Quaif appealed his judgment and sentence in an Anders proceeding. The Fifth District Court of Appeal reviewed the record, found no reversible error, affirmed, and declined to remand for correction of a harmless statutory citation error in the written sentence.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- State v. Causey, 503 So. 2d 321, 322–23 (Fla. 1987)
- Bush v. State, 354 So. 3d 626, 626 (Fla. 5th DCA 2023)
- Dubuc v. State, 345 So. 3d 961, 962 (Fla. 5th DCA 2022)
- Bailey v. State, 350 So. 3d 753 (Fla. 4th DCA 2022)
- Echavarria v. State, 270 So. 3d 527, 528 (Fla. 2d DCA 2019)

- Williams v. State, 422 So. 3d 1155, 1164 (Fla. 5th DCA 2025)
- United States v. Wilmoth, 668 F. App'x 455, 457 (4th Cir. 2016)
- United States v. Hill, 358 F. App'x 729, 731 (7th Cir. 2010)
- Gadson v. State, 50 Fla. L. Weekly D2314a (Fla. 5th DCA Oct. 24, 2025)
- State v. Du Bose, 128 So. 4, 6 (Fla. 1930)
- Deblois v. Dominguez, 390 So. 3d 51, 54 n.5 (Fla. 3d DCA 2023)
- Physicians Med. Ctrs. v. Allstate Fire & Cas. Ins. Co., 335 So. 3d 1284, 1289 (Fla. 1st DCA 2022)
- Walker v. State, 357 So. 3d 724, 725 (Fla. 5th DCA 2022)
- Torres v. State, 293 So. 3d 634 (Fla. 5th DCA 2020)

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