

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Alijah Gadson v. State of Florida

Gadson · No. 5D2023-3666 · Decided April 25, 2025

SUMMARY

The Fifth District Court of Appeal affirmed Alijah Gadson’s judgment and consecutive fifteen-year sentences for attempted manslaughter and shooting or throwing deadly missiles. The court remanded for correction of the cost order because it improperly included both the statutory \$100 prosecution cost and the higher prosecution-cost award authorized upon proof of additional costs.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Makar, J.; Wallis, J.; Jay, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	April 25, 2025
DOCKET	5D2023-3666
DISPOSITION	affirmed_and_remanded
PROCEDURAL POSTURE	Gadson appealed his judgment and sentence following a jury trial in the Circuit Court for Duval County.
PRECEDENTIAL VALUE	Published
PARTIES	Alijah Gadson v. State of Florida

TOPICS

- statutory interpretation
- criminal procedure
- appellate procedure
- sentencing

PRACTICE AREAS

- Criminal procedure
- Appellate practice
- Prosecution costs

QUESTIONS PRESENTED

- Whether the trial court could impose both the standard \$100 felony prosecution-cost award and the higher prosecution-cost amount supported by the State's request under section 938.27(8), Florida Statutes.
- Whether Gadson's judgment and sentence should otherwise be affirmed.

HOLDINGS

1. Section 938.27(8) does not permit imposition of both the standard \$100 prosecution-cost award and a higher prosecution-cost amount; the duplicative \$100 award must be stricken.
2. The judgment and sentence are affirmed.

KEY QUOTATIONS

“We affirm Gadson’s judgment and sentence, but remand for a corrected judgment striking the duplicative \$100 of prosecution costs, as the statute does not allow for the imposition of both the standard \$100 prosecution costs and the requested higher amount.”

FACTUAL BACKGROUND

Following a jury trial, Gadson was convicted of attempted manslaughter with a special finding that he carried a firearm and of shooting or throwing deadly missiles. He received consecutive fifteen-year sentences. The trial court also awarded \$5,132.43 in prosecution costs, while the written cost order separately included the standard \$100 prosecution-cost award.

PROCEDURAL HISTORY

A jury found Gadson guilty of attempted manslaughter with a special firearm finding and shooting or throwing deadly missiles. The circuit court imposed consecutive fifteen-year sentences and awarded prosecution costs, including both \$100 in standard felony prosecution costs and the higher requested amount of \$5,132.43. The Fifth District Court of Appeal affirmed the judgment and sentence but remanded for correction of the duplicative prosecution-cost award.

DISPOSITION

affirmed_and_remanded

REMAND INSTRUCTIONS

Remand for entry of a corrected judgment striking the duplicative \$100 prosecution-cost award.

INSTRUCTIONS FOR AN AI ASSISTANT

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