

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.

OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 5D2023-3666 LT Case No. 2022-CF-10246-A
_____ ALIJAH GADSON, Appellant, v. STATE OF FLORIDA,
Appellee. _____ On appeal from the Circuit Court for Duval
County. London M. Kite, Judge. Matthew J. Metz, Public Defender, and Susan A. Fagan, Assistant
Public Defender, Daytona Beach, for Appellant.

Alijah Gadson, Sneads, pro se. James Uthmeier, Attorney General, and Daren L. Shippy, Assistant Attorney General, Tallahassee, for Appellee. April 25, 2025 PER CURIAM. Alijah Gadson appeals his judgment and sentence following a jury trial. Gadson was found guilty of attempted manslaughter (with a special finding that he carried a firearm) and shooting or throwing deadly missiles.

He was sentenced to fifteen years on both counts to run consecutively. The State requested, and the trial court awarded, \$5,132.43 costs of prosecution; the written cost order included an award for \$100 of prosecution costs as well as the requested \$5,132.43.

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. See § 938.27(8), Fla. Stat. (2024) ("Costs for the state attorney must be set in all cases at no less than... \$100 per case when a felony offense is charged....

The court may set a higher amount upon a showing of sufficient proof of higher costs incurred."). AFFIRMED and REMANDED with instructions. MAKAR, WALLIS, and JAY, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ 2