

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Michael Hightower, Jr. v. State of Florida

Michael Hightower, Jr. v. State of Florida · No. 5D2024-2269 · Decided October 10, 2025

SUMMARY

The Fifth District Court of Appeal of Florida affirmed Michael Hightower, Jr.'s convictions and sentences following an Anders appeal. The court remanded for correction of two clerical errors in the second amended judgment and sentence: an unrequested investigative-cost assessment and an incorrect notation that Hightower pleaded guilty rather than being found guilty by a jury.

CASE DETAILS

|                       |                                                                          |
|-----------------------|--------------------------------------------------------------------------|
| COURT                 | Fifth District Court of Appeal of Florida                                |
| WRITING FOR THE COURT | Per Curiam; Chief Judge Jay; Judge Lambert; Judge Soud                   |
| JURISDICTION          | Fifth District Court of Appeal of Florida                                |
| DECIDED               | October 10, 2025                                                         |
| DOCKET                | 5D2024-2269                                                              |
| DISPOSITION           | affirmed                                                                 |
| PROCEDURAL POSTURE    | Anders appeal from convictions and sentences entered after a jury trial. |
| STANDARD OF REVIEW    | Anders review; the court affirmed without further discussion.            |
| PRECEDENTIAL VALUE    | published                                                                |
| PARTIES               | Michael Hightower, Jr. v. State of Florida                               |

TOPICS

- appellate procedure
- criminal procedure
- sentencing
- remedies

PRACTICE AREAS

- criminal appellate practice
- criminal procedure
- appellate procedure
- sentencing and judgments

QUESTIONS PRESENTED

- Whether the convictions and sentences should be affirmed in an Anders appeal.

2. Whether the second amended judgment and sentence should be corrected to remove an unrequested investigative-cost assessment and to accurately reflect that Appellant was convicted following a jury trial rather than a guilty plea.

## HOLDINGS

1. The convictions and sentences imposed after the jury trial are affirmed without further discussion.
2. An investigative-cost assessment must be stricken from the judgment when the State did not request it.
3. The judgment must be corrected to state that Appellant was tried and found guilty by a jury rather than that he pleaded guilty.

## KEY QUOTATIONS

*“In this Anders appeal, we affirm, without further discussion, the convictions and sentences imposed by the trial court upon Appellant after a jury trial.”*

*“AFFIRMED; REMANDED with directions.”*

## FACTUAL BACKGROUND

Appellant was convicted and sentenced by the trial court after a jury trial. The second amended judgment incorrectly included a \$100 assessment for investigative costs that had not been requested by the State. It also incorrectly stated that Appellant pleaded guilty rather than reflecting that he was tried and found guilty by a jury.

## PROCEDURAL HISTORY

The Putnam County Circuit Court entered convictions and sentences against Hightower after a jury trial. On Anders appeal, the Fifth District Court of Appeal affirmed the convictions and sentences without further discussion but remanded for correction of two clerical errors in the second amended judgment and sentence.

## DISPOSITION

affirmed

## REMAND INSTRUCTIONS

Remand to the trial court to strike the \$100 investigative-cost assessment from the second amended judgment and sentence and to correct the judgment to reflect that Appellant was tried and found guilty by a jury rather than having pleaded guilty.

## CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Richards v. State, 288 So. 3d 574, 576–77 (Fla. 2020)

## OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA  
\_\_\_\_\_ Case No. 5D2024-2269 LT Case No. 2021-CF-001304  
\_\_\_\_\_ MICHAEL HIGHTOWER, JR. Appellant, v. STATE OF  
FLORIDA, Appellee. \_\_\_\_\_ On appeal from the Circuit Court for  
Putnam County. Alicia R. Washington, Judge. Michael C. Nappi, Chief Assistant Regional  
Counsel, of Office of Criminal Conflict and Civil Regional Counsel, 5th District, Casselberry, for  
Appellant.

Michael Hightower, Jr., Lake City, pro se. James Uthmeier, Attorney General, Tallahassee, and  
Stephen R. Putnam, Jr., Assistant Attorney General, Daytona Beach, for Appellee. October 10,  
2025 PER CURIAM. In this Anders 1 appeal, we affirm, without further discussion, the  
convictions and sentences imposed by the trial court upon Appellant after a jury trial.

However, we remand with directions to the trial court to correct two clerical errors in its second  
amended judgment and sentence. First, we direct the court to strike from the judgment the \$100  
assessment for investigative costs as these were not requested by the State. See *Richards v. State*,  
288 So. 3d 574, 576–77 (Fla. 2020).

Second, the judgment inadvertently shows that Appellant pleaded guilty to the crimes for which he  
stands convicted instead of showing that he was tried and found, by the jury, to be guilty of the  
crimes. AFFIRMED; REMANDED with directions. JAY, C.J., and LAMBERT and SOUD, JJ.,  
concur. \_\_\_\_\_ Not final until disposition of any timely and  
authorized motion under Fla. R. App.

P. 9.330 or 9.331. \_\_\_\_\_ 1 *Anders v. California*, 386 U.S. 738  
(1967). 2