

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Terell Devon Ross v. State of Florida

Ross · No. 5D2024-2129 · Decided March 14, 2025

SUMMARY

The Fifth District Court of Appeal of Florida affirmed Terell Devon Ross’s convictions and sentences following his negotiated guilty plea in an Anders appeal. The court remanded for ministerial corrections because the judgment incorrectly classified a heroin-trafficking conviction as a life felony and improperly assessed fines and a surcharge that had been waived. Ross was not required to be present for the corrections.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Edwards, C.J.; Lambert, J.; Kilbane, J.
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	March 14, 2025
DOCKET	5D2024-2129
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anders appeal from a judgment and sentences entered after Appellant pleaded guilty pursuant to a negotiated plea agreement to all charged offenses. Appellant did not move to withdraw the plea.
STANDARD OF REVIEW	Anders review of the record for arguable reversible error following a guilty plea; the opinion also reviewed the sentencing documents for ministerial errors.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Terell Devon Ross v. State of Florida

TOPICS

- criminal procedure
- appellate procedure
- sentencing
- statutory interpretation

PRACTICE AREAS

- criminal procedure
- appellate practice
- sentencing

QUESTIONS PRESENTED

1. Whether the convictions and sentences should be affirmed following Anders review of an appeal from a negotiated guilty plea where the defendant did not move to withdraw the plea.
2. Whether the sentencing judgment must be corrected because it incorrectly classified the count-nine trafficking conviction as a life felony.
3. Whether the cost judgment must be corrected to remove fines and a five-percent surcharge that were waived by the State, were not orally announced at sentencing, and were not part of the plea agreement.

HOLDINGS

1. The convictions and sentences are affirmed where the record revealed no reversible issue warranting relief and the appellant did not move to withdraw the guilty plea.
2. The trial court must correct the judgment because trafficking in heroin involving twenty-eight grams or more under section 893.135(1)(c)1.c., Florida Statutes (2023), is a first-degree felony, not a life felony.
3. The cost judgment must be amended to remove the fine and five-percent surcharge because the State waived mandatory fines as part of the plea bargain, no fine was orally announced at sentencing, and no fine was included in the plea agreement.

KEY QUOTATIONS

“Accordingly, we affirm Appellant’s convictions and sentences, but remand for the trial court to enter amended sentencing documents consistent with this opinion.”

“Appellant need not be present for these ministerial corrections.”

FACTUAL BACKGROUND

Ross pleaded guilty pursuant to a negotiated plea agreement to all charged offenses. The written judgment incorrectly characterized his conviction on count nine for trafficking in heroin of twenty-eight grams or more as a life felony, although the governing statute classifies it as a first-degree felony. The cost judgment also assessed a fine and a five-percent surcharge even though the State had waived mandatory fines as part of the plea agreement and the trial court had not orally announced or included any fine in the agreement.

PROCEDURAL HISTORY

The Circuit Court for Volusia County entered judgment and imposed sentences following Appellant's negotiated guilty plea. On Anders review, the Fifth District Court of Appeal affirmed the convictions and sentences but remanded for correction of two ministerial errors in the sentencing documents.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The trial court must enter amended sentencing documents correcting the classification of count nine to a first-degree felony and enter an amended cost judgment removing the fine and five-percent surcharge. Ross need not be present for these ministerial corrections.

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- State v. Dortch, 317 So. 3d 1074, 1075 (Fla. 2021)

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