

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Terrell Devon Ross v. State of Florida

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

OPINION

Terrell Devon Ross v. State of Florida

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

_____ Case No. 5D2024-2129 LT Case No. 2023-101248-CFDB

_____ TERELL DEVON ROSS,

Appellant, v.

STATE OF FLORIDA,

Appellee. _____ On appeal from the Circuit Court for Volusia County. Dawn Nichols, Judge. Matthew J. Metz, Public Defender, and Ali L. Hansen, Assistant Public Defender, Daytona Beach, for Appellant. James Uthmeier, Attorney General, Tallahassee, and Bonnie Jean Parrish, Assistant Attorney General, Daytona Beach, for Appellee. March 14, 2025 PER CURIAM. In this Anders 1 appeal, we affirm the judgment and sentences imposed upon Appellant by the trial court following Appellant’s negotiated plea of guilty to all charged offenses, noting that Appellant did not move to withdraw his plea. See *State v. Dortch*, 317 So. 3d 1074, 1075 (Fla. 2021).

1 *Anders v. California*, 386 U.S. 738 (1967). However, our review of the record reveals two ministerial errors that we direct the trial court to correct on remand. First, the judgment shows Appellant’s conviction on count nine for trafficking in heroin, twenty-eight grams or more, as a life felony. Section 893.135(1)(c)1.c., Florida Statutes (2023), provides that this is a first-degree felony. Second, the judgment for charges, costs, and fees shows the assessment of a fine, plus a 5% surcharge on the fine. As part of the plea bargain, the State had waived the assessment of any mandatory fines against Appellant in this case, which it was permitted to do. See § 893.135(4), Fla. Stat. No fines were orally announced by the court during sentencing, nor was the assessment of any fine part of the plea agreement. The trial court is directed to enter an amended cost judgment that does not include an assessment of fines or surcharges. 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. AFFIRMED; REMANDED with directions. EDWARDS, C.J., and LAMBERT, J., concur. KILBANE, J., concurs in part and dissents in part, with opinion.

_____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ 2 2345ÿ789ÿ

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