

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2025-0396
L.T. Case No. 05-2022-CF-10071-A

DAMON CHRISTOPHER DEPEW,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Brevard County.
Charles Grooms Crawford, Judge.

Matthew J. Metz, Public Defender, and Victoria Rose
Cordero, Assistant Public Defender, Daytona Beach, for
Appellant.

James Uthmeier, Attorney General, Tallahassee, and Tabitha
Mills, Assistant Attorney General, Daytona Beach, for Appellee.

January 2, 2026

PER CURIAM.

Damon Depew appeals an order of restitution stemming from an adjudication of guilt for battery in 2022. During the hearing to establish the amount of restitution, the victim gave testimony that described a series of hospital visits that she asserted related back to the battery. She also provided the medical records from her initial emergency room visit. No other witnesses testified, and no other medical records or bills were submitted.

“It is axiomatic for purposes of determining the amount of restitution to a victim for medical expenses incurred or to be incurred that the victim’s testimony must be corroborated with billing records.” *Boone v. State*, 112 So. 3d 676, 677 (Fla. 4th DCA 2013). Here, the State did not submit copies of any of the medical bills at the restitution hearing and only presented the victim’s uncorroborated testimony. The State appropriately concedes that the amount of the restitution order was therefore in error and that Appellant is entitled to a new restitution hearing where the victim can present medical bills for past medical expenses. Accordingly, we reverse and remand for a new restitution hearing.

REVERSED and REMANDED.

JAY, C.J., and HARRIS and MACIVER, JJ., concur.

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