

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2022-3363

JUSTIN SPILLERS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Leon County.
Joshua M. Hawkes, Judge.

July 24, 2024

PER CURIAM.

Appellate counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). This Court conducted its required review. *State v. Causey*, 503 So. 2d 321, 322 (Fla. 1987) (an appellate court “must examine the record to the extent necessary to discover any errors apparent on the face of the record.”). We found no errors apparent on the face of the record and affirm. But we write to address what appellate counsel flagged as potential issues for our review.

First, the trial court properly denied the motion for judgment of acquittal. This Court reviews a denial of a judgment of acquittal de novo and must view the evidence in a light most favorable to the State. *Robinson v. State*, 327 So. 3d 903, 904 (Fla. 1st DCA

2021). “A trial court cannot grant judgment of acquittal ‘unless the evidence is such that no view which the jury may lawfully take of it favorable to the opposite party can be sustained under the law.’” *Id.* (quoting *Lynch v. State*, 293 So. 2d 44, 45 (Fla. 1974)). Here, a jury could lawfully find Appellant guilty. The victim’s testimony, which was consistent with her prior statements, detailed Appellant’s criminal acts, and other witnesses corroborated the story. *See Gosciminski v. State*, 132 So. 3d 678, 710–11 (Fla. 2013) (finding the evidence sufficient for purposes of reviewing a ruling on a motion for judgment of acquittal).

Second, the trial court did not err when it imposed fines. Appellant argues on appeal that the court improperly delegated its authority to the clerk. Yet Appellant fails to show that the court delegated its discretionary authority. On the record, the court asked the clerk to *report* the fines—the record does not show that the court ever asked the clerk to *determine* the fines. The face of the record therefore does not reveal this issue to be nonfrivolous for appeal.

Appellant’s cited case, *Cromartie v. State*, does not support his proposition. 70 So. 3d 559 (Fla. 2011). In *Cromartie*, the Florida Supreme Court determined that the trial court committed fundamental error by extending the defendant’s sentence merely for reasons of “rounding up” (from 7.83 years’ imprisonment to 8 years). *Id.* at 564. Here, the record does not indicate that the trial court imposed its sentence based on “rounding up” or anything similar.

Because the face of the record does not reveal any nonfrivolous issues for appeal, we affirm.

AFFIRMED.

ROWE, NORDBY, and LONG, JJ., concur.

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

Jessica J. Yeary, Public Defender, and Kathryn Lane, Assistant
Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.