

Third District Court of Appeal

State of Florida

Opinion filed October 1, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D25-1493
Lower Tribunal No. 25-2608

Rory Alexander Hunt,
Appellant,

vs.

State of Florida,
Appellee.

An Appeal from the County Court for Miami-Dade County, Marcus Bach Armas, Judge.

Carlos J. Martinez, Public Defender, and Amy Lynn Weber, Assistant Public Defender, for appellant.

James Uthmeier, Attorney General, and Liz Marie Feliz, Assistant Attorney General, for appellee.

Before FERNANDEZ, GORDO and REBULL, JJ.

PER CURIAM.

Affirmed. See § 775.089(1)(a), Fla. Stat. (2026) (Florida law mandates that a court order a defendant to make restitution “unless it finds clear and compelling reasons not to order such restitution.”); § 775.089(7)(c), Fla. Stat. (2026) (Court may consider hearsay evidence to determine the amount or type of restitution provided it finds the hearsay evidence has a minimal indicia of reliability); See Quintero v. State, 394 So. 3d 228, 230 (Fla. 3d DCA 2024) (citations omitted) (“Where restitution is part of a plea bargain . . . it should be liberally construed in favor of making the victim whole,” and “where a plea agreement leaves the amount of restitution to the trial court's discretion, reversal is not warranted absent a clear showing that the trial court abused its discretion.”).

Upon the record presented, we find no fundamental error or deprivation of due process, but we caution the trial court of the importance of maintaining impartiality and the appearance of impartiality. A trial court may properly question witnesses “when required by the interests of justice.” § 90.615(2), Fla. Stat. (2015). Such questioning may be appropriate, in the court's discretion, to seek clarification of an issue and in an effort to ascertain the truth. R.O. v. State, 46 So. 3d 124 (Fla. 3d DCA 2010). However, a trial judge must ensure that he or she does not become an active participant or an advocate in the proceedings and should not by words or actions make it “appear that his neutrality is departing from the center.” Riddle v. State, 755 So. 2d 771, 773 (Fla. 4th DCA 2000).

R.W. v. Dep't of Children & Families, 189 So. 3d 978, 980 (Fla. 3d DCA 2016).