

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2025-1024

MAURICE SHUNTELL MITCHELL,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the County Court for Alachua County.
Susan Miller-Jones, Judge.

May 13, 2026

PER CURIAM.

Maurice Mitchell appeals the trial court's order setting restitution. He argues that the trial court erred in awarding restitution for four items, only two of which merit discussion. We agree that the trial court erred in awarding restitution for the victim's Medicare bill because it encompasses her Medicare Part B premium for a six-month coverage period, not medical treatment related to her injuries from the accident. *See* §§ 775.089(1)(a) & (2)(a), Fla. Stat. (2024). We also agree that the trial court erred in awarding restitution for the victim's car loan balance. Because insurance paid out the fair market value of the car, the remaining balance on the loan was "a product of [the victim's] financial decision," not Appellant's conduct. *Tolbert v. State*, 268 So. 3d 947, 948–49 (Fla. 1st DCA 2019).

We therefore AFFIRM in part, REVERSE in part, and REMAND for entry of a corrected restitution order.

LEWIS, ROBERTS, and KELSEY, 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 Jasmine Russell Dixon, Assistant Public Defender, Tallahassee, for Appellant.

James Uthmeier, Attorney General, and Kristie Regan, Assistant Attorney General, Tallahassee, for Appellee.