

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2023-2831
LT Case No. 2018-CF-003171-A

BRANDON DAWSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Marion County.
Anthony M. Tatti, Judge.

Matthew J. Metz, Public Defender, and Teresa D. Sutton,
Assistant Public Defender, Daytona Beach, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and Kaylee
D. Tatman, Assistant Attorney General, Daytona Beach, for
Appellee.

March 21, 2025

PER CURIAM.

In this *Anders*¹ appeal, we affirm Appellant's convictions and sentences. However, we reverse as to the trial court's imposition of the \$500 fine and related surcharge on count I.

¹ *Anders v. California*, 386 U.S. 738 (1967).

Appellant was convicted of first-degree murder on count I of the indictment. Because this count was for a capital felony under Florida law, imposition of the \$500 fine as to that count was unauthorized. See § 775.083(1), Fla. Stat. (2014) (“A person who has been convicted of an offense *other than a capital felony* may be sentenced to pay a fine in addition to any punishment described in s. 775.082” (emphasis added)); *id.* § 782.04(1)(a) (classifying first-degree murder as a capital felony); *see also Carroll v. State*, 392 So. 3d 1109, 1109 (Fla. 5th DCA 2024) (finding imposition of fine on a capital offense is not authorized under section 775.083(1)).

Accordingly, we affirm the convictions and sentences imposed, reverse the imposition of the \$500 fine and related surcharge on count I, and remand to the trial court for the entry of an amended judgment and sentence consistent with this opinion.

AFFIRMED in part; REVERSED in part; and REMANDED with instructions.

MAKAR, EISNAUGLE, and KILBANE, JJ., concur.

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