

Supreme Court of Florida

No. 76,991

ORIGINAL

STATE OF FLORIDA,

Petitioner,

v.

DARNELL HEADINGS,

Respondent.

[October 10, 1991]

McDONALD, J.

Pursuant to article V, section 3(b)(4), Florida Constitution, we accepted jurisdiction of Headings v. State, 568 So.2d 533 (Fla. 3d DCA 1990), in which the district court certified the question of whether the inability of a criminal defendant to pay costs is a defense to the assessment of costs against that defendant. In State v. Vamper, 579 So.2d 730 (Fla. 1991), and State v. Beasley, 580 So.2d 139 (Fla. 1991), we held that costs may be assessed without a determination as to the defendant's ability to pay. We accordingly quash that part of

the opinion under review which denies the assessment of costs and remand for reconsideration in light of Vamper and Beasley. We do not disturb any other portion of the decision under review.

It is so ordered.

SHAW, C.J. and OVERTON, BARKETT, GRIMES, KOGAN and HARDING, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

Third District - Case No. 89-2815

(Dade County)

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for Petitioner

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