

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2009

R.J.L., A CHILD,

Appellant,

v.

Case No. 5D09-149
CORRECTED

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 31, 2009

Appeal from the Circuit Court
for Orange County,
C. Jeffery Arnold, Judge.

Robert Wesley, Public Defender, and
Rosemarie Farrell, Assistant Public
Defender, Orlando, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and Wesley Heidt,
Assistant Attorney General, Daytona
Beach, for Appellee.

COHEN, J.

Appellant challenges the trial court's order entered after a review hearing that deferred, at Appellant's request, the payment of court costs imposed pursuant to adjudicatory and disposition hearings conducted over six months earlier. This order is not a final, appealable order under Florida Rule of Appellate Procedure 9.145(b). Further, any error regarding the payment deferral was not properly preserved and

cannot be said to be adverse or prejudicial when entered pursuant to Appellant's request. In any event, Appellant's jurisdictional objection below was incorrect because his probation term, revoked and terminated in April 2008 for a violation of probation, was imposed anew for one year.

The trial court's order also denied appointment of appellate counsel. Although this issue is moot because Appellant obviously has counsel, we observe that Appellant is entitled to appellate counsel under section 985.033(1), Florida Statutes (2007). The trial court is cautioned that Florida and federal law entitle the accused to the appointment of counsel.

Because the appeal concerns a nonfinal, non-appealable order and a moot issue, see Carlin v. State, 939 So. 2d 245, 247 (Fla. 1st DCA 2006), we dismiss the appeal.

DISMISSED.

PALMER and TORPY, JJ., concur.