

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

MICHAEL K. EDWARDS,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D10-5748

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed January 28, 2011.

An appeal from the Circuit Court for Duval County.  
Adrian G. Soud, Judge.

Michael K. Edwards, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Thomas H. Duffy, Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant seeks review of the trial court's order denying his motion to  
mitigate his sentence pursuant to Florida Rule of Criminal Procedure 3.800(c).  
This is not an appealable order. See, e.g., Mitchell v. State, 719 So. 2d 1258 (Fla.  
1st DCA 1998). The fact that the order included the statement that "[t]he

Defendant shall have thirty (30) days from the date this Order is filed to take an appeal by filing a Notice of Appeal with the Clerk of Court” does not transform the order into an appealable order. See Falco v. State, 44 So. 2d 198 (Fla. 4th DCA 2010). This boilerplate language is required in orders on other types of postconviction motions, but it should not be included in orders on rule 3.800(c) motions. See Howard v. State, 914 So. 2d 455, 456 (Fla. 4th DCA 2005); see also Barrington v. State, 35 Fla. L. Weekly D2348 (Fla. 1st DCA Oct. 25, 2010) (Wetherell, J., concurring) (noting that the “inclusion of such language serves no purpose except to foster unnecessary appeals” and that “there is certainly no reason to suggest to an inmate that he or she has appellate rights in an order that is clearly not appealable”). Accordingly, we dismiss this appeal and we also take this opportunity to encourage the trial courts of this district to excise language concerning appellate rights from their orders on rule 3.800(c) motions.

DISMISSED.

DAVIS, HAWKES and WETHERELL, JJ., CONCUR.