

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

OFFICE OF THE PUBLIC
DEFENDER; FOURTH JUDICIAL
CIRCUIT OF FLORIDA,

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

Appellant,

CASE NO. 1D06-1746

v.

WILLIAM RODNEY MADISON,

Appellee.

Opinion filed July 20, 2007.

An appeal from the Circuit Court for Duval County.
Bernard Nachman, Judge.

Bill White, Public Defender, and Ward L. Metzger, Assistant Public Defender,
Jacksonville, for Appellant.

Appellee William Rodney Madison, pro se.

PER CURIAM.

Once the Office of the Public Defender's representation of an indigent defendant ends, the office must, upon request, surrender any trial transcripts in its possession to the defendant. See Pearce v. Sheffey, 647 So. 2d 333 (Fla. 2d DCA

1994) (finding public defender must relinquish transcript to petitioner upon conclusion of underlying appeal); Thompson v. Unterberger, 577 So. 2d 684 (Fla. 2d DCA 1991) (finding petitioner entitled to transcripts in possession of his former public defender); see also Davis v. Smith, 861 So. 2d 1214, 1216 (Fla. 2d DCA 2003) (“[M]andamus is a proper means to compel a public defender to furnish a defendant with such transcripts.”). A public defender, however, is under no legal duty to provide copies of trial transcripts to an indigent defendant while still representing the defendant on direct appeal. Accordingly, we REVERSE the trial court’s grant of mandamus.

KAHN, LEWIS and HAWKES, JJ., CONCUR.