

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D21-2375

MARIO VERASSO,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Madison County.
Melissa G. Olin, Judge.

September 14, 2022

OPINION ON MOTION TO SUPPLEMENT
THE RECORD ON APPEAL

PER CURIAM.

The Court grants Appellant's motion filed June 30, 2022, seeking to supplement the record on appeal with a copy of Appellant's videotaped interview with law enforcement, entered into evidence as State's Exhibit 2. Counsel for movant shall ensure preparation and transmittal of the supplemental record by the clerk of the circuit court within fifteen days.

The Court extends time for service of the initial brief to thirty days following transmittal of the supplemental record.

We write to note an issue that has arisen in multiple criminal cases. Specifically, this Court has noted an increase of cases where the counsel for an appellant files multiple motions to supplement the record. In many of these cases, the motions have included requests for records or transcripts that could have been requested in one motion had a thorough review of the record been conducted. The Court notes that counsel has an obligation to thoroughly review the record upon assignment. The Court does not construe the opportunity to supplement the record as an ongoing mechanism to obtain an indirect extension of time, much less a series of such extensions, as to material that counsel knew, or should have known through the exercise of diligent review at inception of the appeal, existed and was or might be needed for the appeal. Counsel's obligation of timeliness demands an early, careful, and complete assessment of the need to supplement the record on appeal, so as to avoid unnecessary delay in disposition.

B.L. THOMAS, KELSEY, and WINOKUR, JJ., concur.

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

Jessica J. Yeary, Public Defender, and Kathleen Pafford, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.