

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D22-2011

MICHAEL LLOYD WORRELL,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Tatiana Salvador, Judge.

November 9, 2022

OPINION ON MOTION REQUESTING RECORD ON APPEAL

PER CURIAM.

In this appeal of the summary denial of a postconviction motion, pro se Appellant has filed a motion requesting a copy of the record on appeal. As Florida Rule of Appellate Procedure 9.141(b)(2)(B) requires the clerk of the lower tribunal to index and paginate the record and to send copies of the index and record to the parties in this type of case, we issued a show cause order to the clerk of the lower tribunal as to why the motion should not be granted. The clerk has failed to respond to this Court's order.

We write to remind the clerks of court that in the appeal of a summary postconviction denial, they are required to provide a copy of the index and record to the parties. *See Fla. R. App. P.*

9.141(b)(2)(B). Such records are often short as they only consist of the documents set forth in rule 9.141(b)(2)(A). The rule also requires the clerk to transmit the record to this Court along with the certified copy of the record on appeal.

While the rules do not require Appellants to file an initial brief in this type of appeal, if Appellants wish to avail themselves of the opportunity, they must file their brief within thirty days of filing the notice of appeal. *See Fla. R. App. P. 9.141(b)(2)(C)(i)*. And in preparing the initial brief, Appellants must cite to the record for all statements of fact. *See Fla. R. App. P. 9.210(b)(3)*. Appellants must therefore timely receive the record from the clerk in order to prepare and file their initial brief within the deadline set forth in the rules.

The Court grants Appellant's motion docketed July 22, 2022. Within ten days, Hon. Jody Phillips, Clerk of the Circuit Court in and for Duval County, shall provide Appellant a copy of the index and record on appeal transmitted to the Court in this case on June 30, 2022. The clerk shall simultaneously file with this Court a supplemental certificate of service demonstrating a copy has been served on all parties in the case as required.

MAKAR, BILBREY, and LONG, JJ., concur.

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

Michael Lloyd Worrell, pro se, Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.