

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

GARY JACKSON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-2680

[June 25, 2008]

HAZOURI, J.

Gary Jackson appeals from his judgments of convictions and sentences for carjacking and armed burglary of a conveyance and has filed a motion for a new trial based upon his assertion that there is a lack of a complete trial transcript of the proceedings below. This court relinquished jurisdiction so that the trial court could determine whether there could be a reconstruction of the record below. On May 28, 2008, the trial court entered an order wherein it found that the record on appeal is devoid of the trial testimony as well as the arguments of counsel and the parties agreed reconstruction of the record could not be successfully completed.

The law is well established that a defendant who has exercised the right to appeal is entitled to a full appellate record, including a full transcript of the trial. *See Delap v. State*, 350 So. 2d 462 (Fla. 1977). Since the full transcript of the proceedings requested by the defendant is unavailable for review by this court, and since the omitted requested portions of the transcripts are necessary for a complete review of this cause, we reverse and remand for a new trial.

Reversed and Remanded.

FARMER and MAY, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit,

Broward County; Stanton S. Kaplan, Judge; L.T. Case No. 04-2414 CF10.

Carey Haughwout, Public Defender, and Alan T. Lipson, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Mark J. Hamel, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.