

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM A.D., 2004

KEVIN L. SMITH,

Petitioner,

vs.

THE STATE OF FLORIDA,

Respondent.

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\*\* CASE NO. 3D04-1870

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\*\* LOWER

TRIBUNAL NO. 96-30706

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Opinion filed December 29, 2004.

A case of Original Jurisdiction - Writ of Mandamus.

Kevin L. Smith, in proper person.

Thomas Cobitz, Special Public Defender, for respondent.

Before GREEN, RAMIREZ, and SHEPHERD, JJ.

PER CURIAM.

Petitioner seeks the issuance of a writ of mandamus to  
compel his now former court-appointed special public defender,

Thomas Cobitz, Esquire, to provide him with transcripts and related documents for utilization by him in preparing motions for post-conviction relief. We have jurisdiction. Art. V §4 (b) (3).

The petitioner is entitled to receive from his former counsel, at no cost to petitioner, any and all trial and hearing transcripts, copies of motions, and any state discovery presented to defense counsel. See Potts v. State, 869 So. 2d 1223 (Fla. 2d DCA 2004) (noting that indigent defendants are entitled, at no cost, to copies of any documents produced at public expense). His court-appointed counsel having recently filed a response representing that he has no such documents, the petition is denied.