Supreme Court of Florida

WEDNESDAY, FEBRUARY 14, 2018

CASE NO.: SC18-245
Lower Tribunal No(s).:
532001CF007078A0XXXX

STATE OF FLORIDA vs. MARK ANTHONY POOLE

Appellant(s) Appellee(s)

We have received a Notice of Appeal (3.851 Initial) in the above-captioned case, which is an appeal from a first-degree murder conviction.

Pursuant to Florida Rule of Appellate Procedure 9.142(a)(1), the Honorable Donald G. Jacobsen, Chief Judge of the Tenth Judicial Circuit Court of Florida, is hereby appointed to monitor the preparation of the complete record in the circuit court for timely filing in this Court.

The transcripts should be filed with the trial court clerk within eighty days from the filing of the notice of appeal in this Court. As the time for filing the transcript has already been extended, the Court does not anticipate that any further extensions of time will be necessary.

The trial court clerk shall have twenty days after the filing of the transcript(s) in which to file the record on appeal with this Court. The complete record in a death penalty appeal shall include all items required by rule 9.200 and by any order issued by the supreme court. In any appeal following the initial direct appeal, the record transmitted shall begin with the most recent mandate issued by the supreme court, or the most recent filing not already transmitted in a prior record in the event the preceding appeal was disposed of without a mandate, and shall exclude any materials already transmitted to the supreme court as the record in any prior appeal. The supreme court shall take judicial notice of the appellate records in all prior appeals and writ proceedings involving a challenge to the same judgment of conviction and sentence of death. Appellate records subject to judicial notice under this subdivision shall not be duplicated in the record transmitted for

the appeal under review. In preparing the record, please have a master index in volume one with an individual index for each remaining volume.

The trial court clerk is further directed to provide copies of all exhibits which can be copied, including photographs, video tapes, CDs and DVDs (if any) to counsel, along with the transmission of the record on appeal. The original exhibits (if any) shall be kept at the trial court unless this Court orders otherwise. The copies provided to counsel for the parties and to this Court shall be properly bound, indexed and paginated pursuant to Florida Rule of Appellate Procedure 9.200(d). A master index of the all exhibits should be included in the record on appeal.

Pursuant to Florida Rule of Judicial Administration 2.215(i), the circuit judge assigned to the case shall take such action as may be necessary to ensure that a complete record on appeal is properly prepared and filed. Judge Jalal A. Harb is directed to hold a status conference **within sixty days from the date of this order** which shall be attended by the Clerk of Court (or the clerk's designee), all appropriate court reporters, counsel, and such other persons Judge Harb may deem necessary. Judge Harb may enter such orders as necessary for the timely completion and filing of the record on appeal with this Court. The time and place of the status conference shall be set by Judge Harb for the purpose of ensuring that the record on appeal is complete. Judge Harb shall file with this Court, **within twenty days from the date of the status conference**, a report detailing the current status of the record preparation. The record on appeal shall be timely filed with this Court unless there are substantial reasons requiring delay. The trial court is reminded that only this Court can extend the deadline for filing the record on appeal.

Pursuant to Florida Rule of Appellate Procedure 9.200(e), the burden to ensure that the record on appeal is prepared and transmitted in accordance with the Florida Rules of Appellate Procedure shall be on the appellant. Counsel for the appellant is hereby directed to file Status Reports with this Court **every thirty days** regarding the progress of the completion of the record on appeal.

The failure to timely file a record on appeal substantially affects this Court's ability to timely process its death cases and will not be tolerated.

A True Copy
Test:

John A. Tomasino
Clerk, Supreme Court

cd
Served:

DAVID DIXON HENDRY
SCOTT A. BROWNE
JAMES L. DRISCOLL JR.
GREGORY W. BROWN
HON. DONALD G. JACOBSEN, CHIEF JUDGE
HON. STACY M. BUTTERFIELD, CLERK
HON. JALAL A. HARB, JUDGE
RELIABLE COURT REPORTING
VICTORIA AVALON