

SUPREME COURT OF FLORIDA

NOTICE OF APPEAL TRANSMITTAL FORM

\_\_\_\_\_  
Appellant(s)

\_\_\_\_\_  
County/State Agency

v.

\_\_\_\_\_  
Appellee(s)

L.T. Case No.: \_\_\_\_\_

\_\_\_ The accompanying notice of appeal was filed on \_\_\_\_\_. A certified electronic copy of the notice accompanies this form.

\_\_\_ The civil notice carried with it a copy of the order appealed, which is transmitted with the notice.

\_\_\_ The civil notice was not accompanied by a copy of the order appealed.

\_\_\_ The district court's filing fee has been received and will promptly be forwarded to the court by U.S. Mail.

\_\_\_ There is no filing fee in this type of proceeding (e.g., dependency/termination of parental rights; postconviction and habeas corpus appeals; delinquency appeals; administrative reemployment assistance appeals initiated by an employee).

\_\_\_ The appellant has been determined to be indigent. Included in the transmission of the notice of appeal is an order or certificate of insolvency.

\_\_\_ An appellate filing fee appears to be required but has not been paid.

\_\_\_ This is dependency/termination of parental rights case. A designation to the court reporter \_\_\_ does or \_\_\_ does not accompany the notice of appeal in the transmission to the district court.

CASE TYPE:

\_\_\_ Summary postconviction appeal. An electronic bookmarked record is being transmitted to the district court's FTP server contemporaneously with the notice of appeal.

\_\_\_ Summary postconviction appeal. The electronic record cannot be transmitted at this time but will follow within \_\_\_ days.

\_\_\_ Nonsummary postconviction appeal. The lower tribunal clerk has \_\_\_ has not\_\_\_ treated the notice of appeal as a designation to the court reporter.

\_\_\_ Judgment and sentence appeal.

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\_\_\_ Juvenile delinquency appeal.

\_\_\_ State criminal appeal.

\_\_\_ Dependency/termination of parental rights appeal.

\_\_\_ Other civil appeal, including probate/guardianship, Ryce, Baker Act, etc.

\_\_\_ Administrative appeal.

\_\_\_ Criminal appeal of unknown case classification. A copy of the order that seems to be appealed is included in this transmission, or it is impossible to determine what order the appellant is attempting to appeal.

Further comments that might be of value to the district court in determining case classification and jurisdiction are:

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Deputy Clerk

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT,  
IN AND FOR MANATEE COUNTY, FLORIDA**

**STATE OF FLORIDA,**  
Plaintiff,

v.

**CASE NUMBER: 2010 CF 479**

**DELMER SMITH**  
Defendant.

\_\_\_\_\_ /

**NOTICE OF APPEAL**

NOTICE IS GIVEN that **DELMER SMITH**, the Defendant, by and through undersigned counsel, takes and enters his Notice of Appeal to the Supreme Court of Florida to review the final order of the Circuit Court of the First Judicial Circuit, in and for Escambia County, dated, December 11, 2017.

The nature of the Order appealed is an Order Denying Defendant's Motion for Postconviction Relief

All parties to said cause are hereby notified of the entry of this appeal.

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that on January 9, 2018, we electronically filed the foregoing Notice of Appeal with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to: Carol Dittmar, Senior Assistant Attorney General, [carol.dittmar@myfloridalegal.com](mailto:carol.dittmar@myfloridalegal.com) and [capapp@myfloridalegal.com](mailto:capapp@myfloridalegal.com) , Suzanne O'Donnell, Assistant State Attorney, [sodonnell@scgov.net](mailto:sodonnell@scgov.net) and the Honorable Judge Diana L. Moreland, Circuit Court Judge [gelliott@jud12.flcourts.org](mailto:gelliott@jud12.flcourts.org), Delmer Smith, DOC# 135769, Florida State Prison, 7819 NW 2885h Street, Raiford, FL 32026

/s/ Eric C. Pinkard  
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STATE OF Florida, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and  
correct copy of the documents on file in my office  
Angela Colonese

By Eric C. Pinkard, D.C.