

Supreme Court of Florida

WEDNESDAY, JANUARY 30, 2019

CASE NO.: SC19-140
Lower Tribunal No(s).:
062005CF016477A88810

ERIC KURT PATRICK

vs. STATE OF FLORIDA

Appellant(s)

Appellee(s)

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

The transcripts should be filed with the trial court clerk **within fifty 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 transmit the record on appeal to 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.

The record on appeal shall be timely transmitted to this Court unless there are substantial reasons requiring delay. The trial court is reminded that only this Court can extend the deadline for transmitting the record on appeal.

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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. **The failure to timely transmit 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



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Served:

LISA-MARIE LERNER
SUZANNE MYERS KEFFER
HON. BRENDA D. FORMAN, CLERK
BOSS REPORTING AGENCY
STEVEN ALAN KLINGER
HON. JACK B. TUTER, JR., CHIEF JUDGE