

FIFTH DISTRICT COURT OF APPEAL, STATE OF FLORIDA
300 South Beach Street, Daytona Beach, FL 32114

ADMINISTRATIVE ORDER RE: POSTCONVICTION APPEALS
AO5D16-01

March 10, 2016

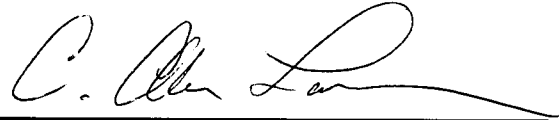
The court having refined its internal procedures regarding postconviction appeals, it is **ORDERED** that:

In appeal proceedings under Florida Rule of Appellate Procedure 9.141(b)(2) (summary grant or denial of postconviction claims without an evidentiary hearing), initial briefs are not required. An appellant desiring to file an initial brief must serve the brief within 30 days after filing the notice of appeal, as required by subsection (b)(2)(C)(i). An appellant who does not timely file an initial brief, or request an extension of time to do so before the brief is initially due, waives the right to file a brief, *see Fleming v. State*, 709 So. 2d 135 (Fla. 2d DCA 1998), and the matter will be promptly assigned to a panel for consideration.

Although subsection (b)(2)(C)(ii) authorizes the court to request a response from an appellee before ruling, the court will generally not do so in future postconviction summary denial cases.

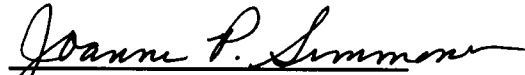
In all appeal proceedings under Florida Rule of Appellate Procedure 9.141(b)(2), the clerk of court will serve the final disposition on both parties, and the court will consider the merits of a timely motion for rehearing from either party, even if that party did not file a brief or response prior to disposition.

DONE AND ORDERED at Daytona Beach, Florida this 10th day of March,
2016.



C. Alan Lawson, Chief Judge

Attest


Joanne P. Simmons
Joanne P. Simmons
Clerk of Court

