

## **APPENDIX**

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**APPENDIX A**

**FLORIDA 6TH DISTRICT COURT OF  
APPEALS**

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**6D2024-0375**

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**Brian Smith,  
Plaintiff-Appellant,**

**v.**

**State of Florida  
Defendant-Appellee.**

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**On Appeal from the Circuit Court for the Ninth  
Judicial Circuit, Osceola County, Florida**

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**December 3, 2024**

**PER CURIAM.**

**AFFIRMED.**

**STARGEL, MIZE and BROWNLEE, JJ., concur.**

**FOR THE COURT:**

**s/ Stacey Pectol**

**Stacey Pectol,  
Clerk of Court**

**APPENDIX B**

**CIRCUIT COURT FOR THE NINTH JUDICIAL  
CIRCUIT, OSCEOLA COUNTY, FLORIDA**

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State of Florida,  
Plaintiff-Appellant,

v.

Brian Smith  
Defendant-Appellee.

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January 12, 20204

Ruling on 3.850 Post conviction Motion:

Under Florida Rule of Criminal Procedure 3.850, a defendant must be in custody under sentence of a court established by the laws of Florida claiming the right to be released. Wall v. State, 525 So. 2D 486, 487 (1<sup>st</sup> DCA 1988). Here, Defendant was released from prison on July 31, 2022. The court also revoked and terminated probation on October 26, 2021. Consequently, Defendant is no longer in custody or serving a sentence from a Florida court. Accordingly, because defendant's claims are procedurally barred, the Court dismisses the motion.

**FOR THE COURT:**

s/ Keith Carsten

Keith A. Carsten,  
Circuit Court Judge

**APPENDIX C**

**FLORIDA 6TH DISTRICT COURT OF  
APPEALS**

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**6D2024-0375**

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**Brian Smith,  
Plaintiff-Appellant,**

**v.**

**State of Florida  
Defendant-Appellee.**

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**On Appeal from the Circuit Court for the  
Ninth Judicial Circuit, Osceola County,  
Florida**

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**January 29, 2025**

Ruling on motion for rehearing:

Appellant's motion for rehearing is denied.

PANEL: STARGEL, MIZE and BROWNLEE, JJ.

FOR THE COURT:

s/ Stacey Pectol

Stacey Pectol,  
Clerk of Court

**APPENDIX D**

**SUPREME COURT OF FLORIDA**

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**SC2025-0298**

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**Brian Smith,  
Plaintiff-Appellant,**

**v.**

**State of Florida,  
Defendant-Appellee.**

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**On Appeal from the Florida 6<sup>th</sup> DCA**

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**March 6, 2025**

Petitioner's Notice to Invoke Discretionary Jurisdiction, seeking review of the order or opinion issued by the 6<sup>th</sup> DCA on Dec 3, 2024, is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a DCA that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. See *Wheeler v State*, 296 So 3D 895(Fla 2020); *Wells v State*, 132 So 3d 1110(Fla 2014); *Jackson v State*, 926 So 2d 1262(Fla 2006); *Gandy v State*, 846 S0 2d 1141(Fa 2003)

**FOR THE COURT:**

**s/ John Tomasino**

**John A. Tomasino,  
Clerk, Supreme Court**