

# Supreme Court of Florida

**DAVID R. ELLSPERMANN,**  
Clerk of the Circuit Court  
of Marion County, Florida,  
Petitioner,

vs.

**JAMES BATSON, et al.,**  
Respondents.

No. 91,910  
[April 9, 1998]

WELLS, J.

We have for review a decision certifying the following question to be of great public importance:

IS THE COUNTY IN WHICH  
THE CRIME WAS  
COMMITTED OBLIGATED TO  
PAY THE COSTS OF  
APPELLATE FILING FEES FOR  
INDIGENT DEFENDANTS?

Batson v. State, 700 So. 2d 1244, 1247 (Fla. 5th DCA 1997). We have jurisdiction. Art. V, § 3(b)(4), Fla. Const.

The resolution of this question is controlled by our decision in Milligan v. Palm Beach County Board of County Commissioners, 704 So. 2d 1050 (Fla. 1998), in which we held that there was no statutory requirement that counties disburse funds to pay appellate filing fees on behalf of indigent criminal defendants. Also, on the same day that we released our opinion in Milligan, we issued a separate administrative order directing the clerks of the appellate courts to stop

collecting filing fees for cases filed on behalf of indigents.

Accordingly, we answer the certified question in the negative and quash the district court's decision.

It is so ordered.

KOGAN, C.J., and OVERTON, SHAW, HARDING, ANSTEAD and PARIENTE, JJ., concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of Appeal - Certified Great Public Importance

Fifth District - Case Nos. 97-2312;  
97-2331; 97-2332; 97-2418; 97-2419;  
97-2600; 97-2648; 97-2773; 97-2806;  
and 97-2819

(Marion County)

Gordon B. Johnston, County Attorney, and  
Robert J. Fowler, Assistant County Attorney,  
Ocala, Florida,

for Petitioner

No appearance,

for Respondents