## IN THE CIRCUIT COURT, FIRST JUDICIAL CIRCUIT IN AND FOR WALTON COUNTY, FLORIDA

STATE OF FLORIDA,

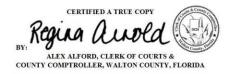
v.	Case No. 1990-CF-0429
GARY RICHARD WHITTON,	
Defendant.	

## NOTICE OF APPEAL

NOTICE IS GIVEN that Gary Richard Whitton, Defendant/Appellant, appeals to the Florida Supreme Court, the order of this Court rendered on May 10, 2017. The nature of the order is a final order denying Defendant/Appellant's amended successive Rule 3.851 motion for post-conviction relief in light of *Hurst v. Florida* and *Hurst v. State*.

Respectfully submitted,

/s/ Mark E. Olive Mark E. Olive Fla. Bar No. 0578533 Law Office of Mark Olive, P.A. 320 W. Jefferson Street Tallahassee, FL 32301 meolive@aol.com (850) 224-0004



## CERTIFICATE OF SERVICE

I, Mark E. Olive, hereby certify that on June 8, 2017, I served this filing via the e-portal to the Office of the Attorney General at capapp@myfloridalegal.com; Assistant State Attorney John Molchan at jmolchan@sa01.org; and Billy Nolas, Chief, Capital Habeas Unit of the Office of the Federal Public Defender for the Northern District of Florida at billy\_nolas@fd.org.

/s/ Mark E. Olive Mark E. Olive