

**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

CERTIFIED A TRUE COPY

BY: *Regina Arnold*



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**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