

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY

NOTICE OF APPEAL TRANSMITTAL FORM

JEFFREY LEE ATWATER

APPELLANT

VS.

STATE OF FLORIDA

APPELLEE

LOWER CASE NUMBER: 8913299CFANO

APPEAL CASE NUMBER: NOT YET ASSIGNED

CASE(S) RELATED TO APPEAL:

- The accompanying notice of appeal was filed on May 16, 2017. A certified electronic copy of the notice accompanies this form.
- The civil notice carried with it a copy of the order appealed, which is transmitted with the notice.
- The civil notice was not accompanied by a copy of the order appealed.
- The district court's filing fee has been received and will promptly be forwarded to the court by U.S. Mail.
- There is no filing fee in this type of proceeding (e.g., dependency/termination of parental rights; post conviction and habeas corpus appeals; delinquency appeals; administrative reemployment assistance appeals initiated by an employee).
- The appellant has been determined to be indigent. Included in the transmission of the notice of appeal is an order or certificate of insolvency.
- An appellate filing fee appears to be required but has not been paid.
- This is dependency/termination of parental rights case. A designation to the court reporter does or does not accompany the notice of appeal in the transmission to the district court.

RECEIVED, 05/19/2017 03:58:29 PM, Clerk, Supreme Court

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY**

CASE TYPE:

- Summary post conviction appeal. An electronic bookmarked record is being transmitted to the district court's FTP server contemporaneously with the notice of appeal.
- Summary post conviction appeal. The electronic record cannot be transmitted at this time but will follow within 14 days.
- Non summary post conviction appeal. The lower tribunal clerk HAS treated the notice of appeal as a designation to the court reporter.
- Judgment and sentence appeal.
- Juvenile delinquency appeal.
- State criminal appeal.
- Dependency/termination of parental rights appeal.
- Other civil appeal, including probate/guardianship, Ryce, Baker Act, etc.
- Administrative appeal.
- Criminal appeal of unknown case classification. A copy of the order that seems to be appealed is included in this transmission, or it is impossible to determine what order the appellant is attempting to appeal.

- Further comments that might be of value to the circuit court in determining case classification and jurisdiction are:

By: /s/ Charles Frye

Deputy Clerk

05/17/2017

/cf
Enc.

cc: Attorney General, Tampa, FL

Mark S. Gruber, Esq./Capital Collateral Regional Counsel - Middle Region

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

JEFFREY LEE ATWATER,

Defendant.

CASE NO. 89-13299 CFAJ0

NOTICE OF APPEAL

Defendant, Jeffrey Lee Atwater, by counsel, takes this appeal to the Florida Supreme Court of the circuit court's Order of this Court dated April 17, 2017. The nature of the order appealed from is a final order summarily denying the Defendant's Rule R.Crim.P. 3.851 successive motion for postconviction relief predicated on *Hurst v. Florida*, 136 S.Ct. 616 (2016) and *Hurst v. State*, 202 So.3d 40 (Fla.2016). The Order is styled:

FINAL ORDER DENYING DEFENDANT'S FOURTH SUCCESSIVE
MOTION TO VACATE JUDGMENTS OF CONVICTION AND SENTENCE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy in PDF format of the foregoing NOTICE OF APPEAL has been transmitted to this Clerk of the Sixth Judicial Circuit, Pinellas County, through the Florida Courts E-Filing Portal, which will serve a Notice of Electronic Filing to: Marilyn M. Beccue, Assistant Attorney General, Office of the Attorney General at marilyn.beccue@myfloridalegal.com and CapApp@myfloridalegal.com, and to Sara Macks, Assistant State Attorney, Office of the State Attorney at smacks@co.pinellas.fl.us and SA6appealeservice@co.pinellas.fl.us. A hard copy will be furnished by first class U.S. Mail to Defendant Jeffrey Lee Atwater, DOC #120467, Union

Correctional Institution, P.O. Box 1000, Raiford, Florida, 32083 on this 16th day of May, 2017.

/s/ Mark S. Gruber

Mark S. Gruber
Bar No. 0330541
CAPITAL COLLATERAL REGIONAL
COUNSEL - MIDDLE REGION
12973 N. Telecom Parkway
Temple Terrace, Florida 33637
Telephone: (813) 558-1600
Fax: (813) 558-1601
GRUBER@ccmr.state.fl.us
support@ccmr.state.fl.us



STATE OF FLORIDA-PINELLAS COUNTY

I hereby certify that the foregoing is
a true copy as the same appears among
the files and records of this court.

This 17 day of May, 2017

KEN BURKE
Clerk of Circuit Court & Comptroller

By: Charles J. [Signature]
Deputy Clerk