

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Kelvin Frazier v. State of Florida

Frazier · No. 6D2023-3398 · Decided June 6, 2025

SUMMARY

The Sixth District Court of Appeal of Florida dismissed part of Kelvin Frazier’s appeal for lack of jurisdiction as to several trial court orders. The court affirmed all other orders on appeal.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Stargel, J.; Nardella, J.; Mize, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	June 6, 2025
DOCKET	6D2023-3398
DISPOSITION	other
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from orders of the Circuit Court for Collier County dismissing various motions.
PRECEDENTIAL VALUE	published
PARTIES	Kelvin Frazier v. State of Florida

TOPICS

- appellate jurisdiction
- appellate procedure
- post-conviction relief
- criminal procedure

PRACTICE AREAS

- Appellate procedure
- Criminal procedure
- Post-conviction relief

QUESTIONS PRESENTED

- Whether the Sixth District Court of Appeal had jurisdiction to review the specified orders dismissing Frazier’s motions.
- Whether the remaining orders on appeal should be affirmed.

HOLDINGS

1. The appeal was dismissed for lack of jurisdiction as to the trial court's Order Dismissing Motion for Order Setting Status Conference and for Hearing on All Pending Motions, Order Dismissing Motion for Hearing, Order Dismissing Motion to Transport, Order Dismissing Motion Protecting Prisoner Under Mailbox Rule, and Order Dismissing Motion to Hear and Rule.
2. All other orders on appeal were affirmed.

KEY QUOTATIONS

“As to the trial court’s Order Dismissing Motion for Order Setting Status Conference and for Hearing on All Pending Motions, Order Dismissing Motion for Hearing, Order Dismissing Motion to Transport, Order Dismissing Motion Protecting Prisoner Under Mailbox Rule, and Order Dismissing Motion to Hear and Rule, this appeal is dismissed for lack of jurisdiction.” (slip op. at 1)

“As to all other orders on appeal, the orders are affirmed.” (slip op. at 1)

“AFFIRMED in part; DISMISSED in part.” (slip op. at 1)

FACTUAL BACKGROUND

The trial court entered orders dismissing motions seeking a status conference, hearings, transport, protection under the prisoner mailbox rule, and rulings on pending matters. Frazier appealed those orders under Florida Rule of Appellate Procedure 9.141(b)(2).

PROCEDURAL HISTORY

Frazier appealed multiple orders entered by the Circuit Court for Collier County. The Sixth District Court of Appeal dismissed the appeal for lack of jurisdiction as to five specified orders and affirmed all other orders on appeal.

DISPOSITION

other

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 6D2023-3398 Lower Tribunal No. 85-CF-193
_____ KELVIN FRAZIER, Appellant, v. STATE OF FLORIDA,
Appellee. _____ Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from
the Circuit Court for Collier County. Elizabeth V. Krier, Judge.

June 6, 2025 PER CURIAM. As to the trial court’s Order Dismissing Motion for Order Setting Status Conference and for Hearing on All Pending Motions, Order Dismissing Motion for Hearing, Order Dismissing Motion to Transport, Order Dismissing Motion Protecting Prisoner

Under Mailbox Rule, and Order Dismissing Motion to Hear and Rule, this appeal is dismissed for lack of jurisdiction.

As to all other orders on appeal, the orders are affirmed. AFFIRMED in part; DISMISSED in part. STARGEL, NARDELLA and MIZE, JJ., concur. Kelvin Frazier, Indiantown, pro se. James Uthmeier, Attorney General, Tallahassee, and David Campbell, Assistant Attorney General, Tampa, for Appellee. NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF TIMELY FILED 2