

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Ken Patrick Brown v. State of Florida

No. 2D2024-2420 (Fla. 2d DCA July 18, 2025) · No. 2D2024-2420 · Decided July 18, 2025

SUMMARY

Ken Patrick Brown appealed an order granting in part his motion under Florida Rule of Criminal Procedure 3.801. The Florida Second District Court of Appeal reversed and remanded because it was unclear from the appellate record whether a document relied upon by the postconviction court was part of the official court record.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Villanti; Atkinson; Smith
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	July 18, 2025
DOCKET	2D2024-2420
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from an order of the Pinellas County Circuit Court granting in part Brown's motion under Florida Rule of Criminal Procedure 3.801.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Ken Patrick Brown v. State of Florida

TOPICS

state post-conviction relief post-conviction relief appellate procedure criminal procedure

PRACTICE AREAS

criminal procedure post-conviction relief appellate procedure

QUESTIONS PRESENTED

- Whether the postconviction court could rely on the document titled "Custody Status Information" when the appellate record did not establish that the document was part of the official court record.

HOLDINGS

1. A postconviction court may summarily resolve a motion by relying on records in the case, but the relied-upon document must be part of the official court record; because the record did not establish that the attached custody-status document qualified, the order could not stand.

KEY QUOTATIONS

“the "records in the case" as "the documents and exhibits previously filed in the case and those portions of the other proceedings in the case that can be transcribed"” (2)

FACTUAL BACKGROUND

Brown filed a motion under Florida Rule of Criminal Procedure 3.801. The postconviction court granted the motion in part and supported its ruling with documents it attached, including a document titled "Custody Status Information." On appeal, the record did not clearly establish that the document was part of the official court record in Brown's case.

PROCEDURAL HISTORY

The Pinellas County postconviction court granted in part Brown's Rule 3.801 motion and relied on an attached document titled "Custody Status Information." The appellate court concluded that the record did not establish that the document was part of the official court record and therefore reversed and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings.

CASES CITED

- Cintron v. State, 504 So. 2d 795, 796 (Fla. 2d DCA 1987)

OPINION

PER CURIAM.

DISTRICT COURT OF APPEAL OF FLORIDA SECOND DISTRICT KEN PATRICK BROWN, Appellant, v. STATE OF FLORIDA, Appellee. No. 2D2024-2420 July 18, 2025 Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Pinellas County; Keith Meyer, Judge. PER CURIAM. Ken Patrick Brown appeals from the order granting in part his motion filed under Florida Rule of Criminal Procedure 3.801.

The postconviction court's well-reasoned order is supported by the documents that it attached, but from the postconviction record on appeal it is not clear that the attached document titled "Custody Status Information" was part of the official court record in Mr. Brown's case. See Fla. R. Crim. P. 3.801(e) (incorporating rule 3.850(e), (f), (j), (k), and (n)); Fla. R. Crim.

P. 3.850(f)(5) (permitting a postconviction court to summarily deny a motion "by reliance upon the records in the case"); Fla. R. Crim. P. 3.850(f)(4) (defining the "records in the case" as "the documents and exhibits previously filed in the case and those portions of the other proceedings in the case that can be transcribed"); *Cintron v. State*, 504 So. 2d 795, 796 (Fla.

2d DCA 1987) (holding that "files and records" for purposes of rule 3.850 includes only documents in "the official court record"). Accordingly, we reverse and remand for further proceedings. Reversed and remanded. VILLANTI, ATKINSON, and SMITH, JJ., Concur. Opinion subject to revision prior to official publication. 2