

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)