

FLORIDA THIRD DISTRICT COURT OF APPEAL

Avery Cuff v. State of Florida

No. 3D25-1037; Lower Tribunal No. F20-6673 · No. No. 3D25-1037 · Decided October 1, 2025

SUMMARY

The Third District Court of Appeal denied Avery Cuff’s petition for a belated appeal as moot. The court vacated the trial court’s March 19, 2025 amended order denying jail credit because it was entered before the appellate mandate issued and directed the trial court to enter a new order with record attachments.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Chief Judge Scales; Judge Lindsey; Judge Lobree
JURISDICTION	Florida Third District Court of Appeal
DECIDED	October 1, 2025
DOCKET	No. 3D25-1037
DISPOSITION	vacated
PROCEDURAL POSTURE	Cuff petitioned the Florida Third District Court of Appeal for a belated appeal from an order denying his motion for correction of jail credit under Florida Rule of Criminal Procedure 3.801.
STANDARD OF REVIEW	The opinion does not expressly identify a standard of review; it resolves the issue as one of appellate and trial-court jurisdiction.
PRECEDENTIAL VALUE	published
PARTIES	Avery Cuff, Petitioner v. State of Florida, Respondent

TOPICS

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

PRACTICE AREAS

- appellate procedure
- criminal procedure
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the trial court had jurisdiction to enter an order complying with the appellate court's directions before issuance of the appellate mandate.
2. Whether Cuff's petition for belated appeal should be granted when the challenged order was entered without trial-court jurisdiction and must be vacated.

HOLDINGS

1. The trial court lacked jurisdiction to enter the amended order before the appellate mandate issued because the mandate is the procedural vehicle by which jurisdiction transfers back to the trial court.
2. The petition for belated appeal must be denied as moot because the challenged amended order was entered without jurisdiction and was vacated; a new order may be timely appealed.

KEY QUOTATIONS

“An appellate court’s mandate is the procedural vehicle by which jurisdiction transfers back to the trial court.” (at 2)

“Accordingly, we deny the petition for belated appeal as moot, but vacate the trial court’s March 19, 2025 amended order denying motion for jail credit entered before entry of our mandate” (at 3)

FACTUAL BACKGROUND

Cuff sought correction of jail credit under Florida Rule of Criminal Procedure 3.801. After the appellate court directed the trial court to attach records supporting denial of the motion, the trial court promptly entered an amended denial order on March 19, 2025. The appellate mandate from the prior appeal did not issue until March 31, 2025.

PROCEDURAL HISTORY

In a prior appeal, the court held that the trial court was required to attach record excerpts conclusively refuting Cuff's jail-credit claims. The court's prior opinion issued on March 5, 2025, and the trial court entered an amended order on March 19, 2025, before the appellate mandate issued on March 31, 2025. The court held that the trial court lacked jurisdiction to enter the amended order before issuance of the mandate, denied the belated-appeal petition as moot, and vacated the amended order with instructions.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The trial court is instructed to enter an order on Cuff's motion for jail credit with record attachments. The court stated that rendition of the new order will permit a timely appeal.

CASES CITED

- Cuff v. State, 405 So. 3d 513, 514 (Fla. 3d DCA 2025)

- Richardson v. State, 257 So. 3d 605, 606 (Fla. 1st DCA 2018)
- Leatherwood v. State, 168 So. 3d 328, 330 (Fla. 3d DCA 2015)
- Scott v. State, 156 So. 3d 9 (Fla. 5th DCA 2014)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/florida-third-district-court-of-appeal/2025/avery-cuff-v-state-of-florida-6zso4zfo>