

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Enrique Vilomar v. State of Florida

Vilomar · No. 5D2025-2992 · Decided January 2, 2026

SUMMARY

The Fifth District Court of Appeal of Florida denied Enrique Vilomar’s petition for a writ of mandamus seeking transcripts of hearings from his criminal case. The court held that indigent prisoners are not entitled to free transcripts beyond those prepared for a direct appeal and cautioned Vilomar that further similar filings could result in disciplinary proceedings.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Chief Judge Jay; Judge Lambert; Judge Harris
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	January 2, 2026
DOCKET	5D2025-2992
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding on a petition for writ of mandamus seeking to compel the State to provide free transcripts of hearings in the petitioner's criminal case.
STANDARD OF REVIEW	The court considered the petition as an original proceeding for mandamus relief; no separate standard of review was stated.
PRECEDENTIAL VALUE	Published opinion; precedential status is identified as published in the supplied metadata.
PARTIES	Enrique Vilomar v. State of Florida

TOPICS

- appellate procedure
- criminal procedure
- post-conviction relief
- remedies

PRACTICE AREAS

- Appellate procedure
- Criminal procedure
- Post-conviction relief
- Extraordinary writs
- Prisoner litigation

QUESTIONS PRESENTED

1. Whether an indigent prisoner is entitled to mandamus relief compelling the State to provide free transcripts of hearings beyond the transcripts prepared for the direct appeal.
2. Whether the court should caution Vilomar that additional unsuccessful pro se requests for free transcripts or other case documents could result in disciplinary proceedings.

HOLDINGS

1. An indigent prisoner is not entitled to free transcripts beyond the record prepared for a direct appeal to assist in preparing a postconviction motion or petition for extraordinary relief; therefore, Vilomar was not entitled to mandamus relief compelling production of the requested transcripts.

KEY QUOTATIONS

“While indigent convicts can get the free copies [of the transcripts and documents] and services for plenary appeal there is no provision in law to obtain them thereafter.” (2)

“Beyond the record provided for a direct appeal, [a prisoner] is not entitled to free transcripts to assist in the preparation of either a postconviction motion or a petition for extraordinary relief.” (2)

FACTUAL BACKGROUND

Vilomar, an indigent inmate, was tried and convicted of various crimes in Volusia County. The record from his direct appeal showed that transcripts of the entire trial, including sentencing, and of a pretrial evidentiary hearing on his motion to suppress had been prepared and filed. He later sought free transcripts of any other hearings in the case, without identifying those hearings, more than twenty-two months after his judgment and sentence became final.

PROCEDURAL HISTORY

Vilomar was convicted in the Volusia County Circuit Court and his convictions and sentences were affirmed without opinion on direct appeal. The direct-appeal record included the trial and sentencing transcripts and a transcript of an evidentiary suppression hearing. More than twenty-two months after the judgment and sentence became final, Vilomar sought mandamus relief for transcripts of other unspecified hearings; the Fifth District denied the petition on the merits.

DISPOSITION

writ_denied

CASES CITED

- Vilomar v. State, 375 So. 3d 281 (Fla. 5th DCA 2023)
- Ridge v. Adams, 643 So. 2d 116, 117 (Fla. 5th DCA 1994)
- Pacheco v. State, 75 So. 3d 769, 769 (Fla. 3d DCA 2011)
- Sanders v. State, 62 So. 3d 1176, 1176 (Fla. 4th DCA 2011)
- State v. Spencer, 751 So. 2d 47 (Fla. 1999)

OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 5D2025-2992 LT Case No. 2021-304846-CFDB
_____ ENRIQUE VILOMAR, Petitioner, v. STATE OF FLORIDA,
Respondent. _____ Original Proceeding for Petition for Writ of
Mandamus. Enrique Vilomar, Monticello, pro se. No Appearance for Respondent.

January 2, 2026 PER CURIAM. Enrique Vilomar, an indigent inmate housed in the Florida Department of Corrections, was tried and convicted in the circuit court in Volusia County, case number 2021-304846-CFDB, of various crimes. Vilomar appealed, and his convictions and sentences were affirmed without opinion. *Vilomar v. State*, 375 So. 3d 281 (Fla. 5th DCA 2023).

Mandate issued on December 29, 2023. Vilomar now petitions this court for mandamus relief to compel the State to provide him with transcripts of all hearings that were held in his criminal case. The record from Vilomar’s direct appeal shows that the transcript from his entire trial, including sentencing, was prepared and filed as was the transcript from an evidentiary hearing held shortly before trial on Vilomar’s motion to suppress evidence.

Vilomar’s instant mandamus request apparently seeks to have transcripts prepared from any other hearing held in the case, though he does not specifically describe what other hearings may have been held. Vilomar’s mandamus request comes more than twenty-two months after his judgment and sentence became final.

As this court explained long ago, “[w]hile indigent convicts can get the free copies [of the transcripts and documents] and services for plenary appeal there is no provision in law to obtain them thereafter.” *Ridge v. Adams*, 643 So. 2d 116, 117 (Fla. 5th DCA 1994); see also *Pacheco v. State*, 75 So. 3d 769, 769 (Fla. 3d DCA 2011) (“Beyond the record provided for a direct appeal, [a prisoner] is not entitled to free transcripts to assist in the preparation of either a postconviction motion or a petition for extraordinary relief.” (quoting *Sanders v. State*, 62 So.

3d 1176, 1176 (Fla. 4th DCA 2011))). Accordingly, Vilomar’s application for writ of mandamus is denied on the merits. Additionally, as this is now the second time that Vilomar has unsuccessfully sought mandamus relief for these records, we caution that any additional pro se efforts on his part seeking free transcripts or other documents pertaining to circuit court case number 2021-304846-CFDB may lead to disciplinary proceedings under *State v. Spencer*, 751 So.

2d 47 (Fla. 1999). WRIT DENIED; PETITIONER CAUTIONED. JAY, C.J., and LAMBERT and HARRIS, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ 2

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