

FLORIDA THIRD DISTRICT COURT OF APPEAL

William Sims v. State of Florida

Sims · No. 3D25-0228 · Decided May 21, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed an order denying William Sims’s motion to compel the Office of the Public Defender to provide the record and transcripts from his 1995 felony case. The court held that the Public Defender’s response that it did not possess the requested documents supported denial of the motion, without prejudice to Sims seeking them from other agencies that may possess them.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Gordo, J.; Logue, C.J.; Bokor, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	May 21, 2025
DOCKET	3D25-0228
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sims appealed the Circuit Court for Miami-Dade County's order denying his motion to compel the Office of the Public Defender to provide the record on appeal and related trial and deposition transcripts.
PRECEDENTIAL VALUE	published
PARTIES	William Sims v. State of Florida

TOPICS

- appellate procedure
- post-conviction relief
- criminal procedure

PRACTICE AREAS

- appellate procedure
- criminal procedure
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the trial court properly denied Sims's motion to compel the Office of the Public Defender to provide appellate-record documents when the office stated that it did not possess them.
2. Whether the denial should be without prejudice to Sims seeking the documents from other agencies that may possess them.

HOLDINGS

1. A trial court may deny a motion to compel the Office of the Public Defender to provide appellate-record documents when the office's response refutes the allegation that it possesses documents the defendant is entitled to receive.
2. The affirmance is without prejudice to Sims seeking the requested documents from other agencies that may possess them, including the clerk's office or the State Attorney's Office.

KEY QUOTATIONS

“Because the response from the Office of the Public Defender refuted Sims’ allegation that it possessed the documents which Sims is entitled to have, the trial court was within its authority to deny the motion.”

“We therefore affirm without prejudice to Sims seeking to obtain the requested documents from other agencies that may possess them, i.e., the clerk’s office or the State Attorney’s Office.”

FACTUAL BACKGROUND

Sims requested the trial and deposition transcripts and other record documents from the Office of the Public Defender. The office responded that it was not in possession of the requested documents. The trial court relied on that response and denied Sims's motion to compel.

PROCEDURAL HISTORY

Sims sought to compel the Office of the Public Defender to produce documents relating to the direct appeal of his 1995 felony case. The trial court denied the motion after the Public Defender's Office responded that it did not possess the requested documents. The Third District Court of Appeal affirmed without prejudice to Sims seeking the documents from other agencies that may possess them.

DISPOSITION

affirmed

CASES CITED

- Brown v. State, 152 So. 3d 739, 741 (Fla. 4th DCA 2014)
- Brown v. State, 93 So. 3d 1194, 1196 (Fla. 4th DCA 2012)

OPINION

William Sims v. State of Florida

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed May 21, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0228 Lower Tribunal No. F95-33413 _____ William Sims, Appellant, vs. State of Florida, Appellee. An Appeal from the Circuit Court for Miami-Dade County, Richard Hersch, Judge. William Sims, in proper person. James Uthmeier, Attorney General and Magaly Rodriguez, Assistant Attorney General, for appellee. Before LOGUE, C.J., and GORDO and BOKOR, JJ. GORDO, J. William Sims (“Sims”), pro se, appeals the trial court’s January 21, 2025, order denying his motion to compel the Office of the Public Defender to provide him with the record on appeal, including all trial and deposition transcripts related to the direct appeal of his 1995 felony case. The trial court denied Sims’ motion to compel, referencing a response from the Office of the Public Defender that it was not in possession of the requested documents. Because the response from the Office of the Public Defender refuted Sims’ allegation that it possessed the documents which Sims is entitled to have,¹ the trial court was within its authority to deny the motion. We therefore affirm without prejudice to Sims seeking to obtain the requested documents from other agencies that may possess them, i.e., the clerk’s office or the State Attorney’s Office. See *Brown v. State*, 152 So. 3d 739, 741 (Fla. 4th DCA 2014) (“We reverse because the response of the Office of the Public Defender did not refute Brown’s allegation that his attorneys possessed the documents . . . As it stands, this is not a case where there is no contested issue of fact. On remand, if the Office of the Public Defender produces evidence that it does not in fact possess the documents which Brown is 1 “Transcripts or record documents that were prepared at public expense on behalf of an indigent defendant must be provided to the defendant without charge for copying.” *Brown v. State*, 93 So. 3d 1194, 1196 (Fla. 4th DCA 2012). 2 entitled to have, the petition should be denied without prejudice to Brown seeking to obtain them from other agencies that may possess them, i.e., the clerk’s office or state attorney’s office.”). Affirmed. 3