

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.

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

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