

Appeals Checklist

F. App. R. 9.200(a)(2) & (b)(1)

- Notice of Appeal (COPY OF NOTICE TO SAO FISCAL DIVISION)
- Designation to Court Reporter (within ten days of notice)
- Statement of Judicial Acts to be Reviewed
- Directions to the Clerk
- Indictment/Information
- Motion(s) which support the ruling claimed to be in error
- The Written order signed by the judge
- Transcripts of any hearings pertaining to the order
- Notice of Appeal
- Directions to the clerk, designations to the court reporter, Statement of Judicial Acts to be reviewed
- Motion to Toll Speedy trial

§960.001(1)(d) (1995)

- Prosecuting office should notify victim

Appeals Checklist

**PLEASE NOTE: YOU WILL NEED TO FILL IN THE PARTICULARS
ON MOST OF THE DOCUMENTS DEMARKATED BY *******

(Not on the Court Reporters Acknowledgement)

- ORIGINAL TO CLERK
- COPY TO DEFENSE ATTORNEY
- COPY TO ATTORNEY GENERAL'S OFFICE
- COPY OF DESIGNATION TO THE COURT REPORTER (TO COURT REPORTER)
- COPY OF COURT REPORTERS ACKNOWLEDGEMENT (TO COURT REPORTER)

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA
STATE OF FLORIDA

CASE NO.: 2020 305143 CFDB

Plaintiff/Appellant,

Vs

KARY RAYMOND JARVIS
Defendant/Appellee./

NOTICE OF APPEAL

Notice is given that the State of Florida, Plaintiff/Appellant, appeals to the Fifth District Court of Appeal the Order of this Court rendered October 21, 2021. The nature of the Order is a Final Order granting the Defendant's Motion to Suppress.

s/MARK INTERLICCHIO
ASSISTANT STATE ATTORNEY
FLA. BAR NO. 10437
251 NORTH RIDGEWOOD AVENUE
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(386) 239-7710
ESERVICEVOLUSIA@SAO7.ORG

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/delivery to The Honorable SANDRA C. UPCHURCH, Circuit Court Judge, S. JAMES FOXMAN JUSTICE CENTER., DAYTONA BEACH, FL 32114, GILGER, ASHLEY, Attorney for Defendant, 251 NORTH RIDGEWOOD AVENUE, DAYTONA BEACH, DAYTONA BEACH, FL 32114, and The Office of The Attorney General, Criminal Division, 444 Seabreeze Blvd., Ste. 500, Daytona Beach, FL 32118, on October 25, 2021.

s/MARK INTERLICCHIO
ASSISTANT STATE ATTORNEY

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff/Appellant,

Vs.

CASE NO.: 2020 305143 CFDB

KARY RAYMOND JARVIS,
Defendant/Appellee./

DIRECTIONS TO CLERK

The State of Florida, Appellant in this cause, pursuant to Rule 9.200 (a) (3), Florida Rules of Appellate Procedure, requests the Honorable Diane Matousek, Clerk of The Circuit Court, to forward specific exhibits and portions of the record of the above-styled cause for the purposes of Appeal to the Fifth District Court of Appeal. The following are the portions of the proceedings deemed necessary to be transmitted:

1. CDs containing the body worn cameras of officers Tucker and Mackenzie.
2. The transcript of proceedings, Motion to Suppress Hearing, dated 10/19/2021.
3. The Defendant's Motion to Suppress, dated 09/15/2021.
4. The Trial Court Order granting the Defendant's Motion to Suppress, filed on or about 10/21/2021.
5. The Notice of Appeal filed herein on October 25, 2021.

s/MARK INTERLICCHIO
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s/MARK INTERLICCHIO
ASSISTANT STATE ATTORNEY
ESERVICEVOLUSIA@SAO7.ORG

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff/Appellant,

Vs.

L.T. CASE NO.: 2020 305143 CFDB

KARY RAYMOND JARVIS
Defendant/Appellee./

STATEMENT OF JUDICIAL ACTS TO BE REVIEWED

The State of Florida, Appellant in this cause, pursuant to Rule 9.140 (c), Florida Rules of Appellate Procedure, designates as judicial acts to be reviewed the following:

1. The Court's ruling on the Defendant's Motion to Suppress.

RESPECTFULLY SUBMITTED
FOR THE ST ATTORNEY

s/MARK INTERLICCHIO
FLA. BAR NO. 10437
251 NORTH RIDGEWOOD AVENUE
DAYTONA BEACH, FL 32114
(386) 239-7710
ESERVICEVOLUSIA@SAO7.ORG

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by mail/delivery to the Honorable SANDRA C. UPCHURCH, S. JAMES FOXMAN JUSTICE CENTER, 251 NORTH RIDGEWOOD AVENUE, DAYTONA BEACH, FL 32114, SANDRA C. UPCHURCH, S. JAMES FOXMAN JUSTICE CENTER, 251 NORTH RIDGEWOOD AVENUE, DAYTONA BEACH, FL 32114 and The Office of The Attorney General, Criminal Division, 444 Seabreeze Blvd., Ste. 500, Daytona Beach, FL 32118, on October 25, 2021.

s/MARK INTERLICCHIO
ASSISTANT STATE ATTORNEY
ESERVICEVOLUSIA@SAO7.ORG

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff/Appellant

CASE NO: 2020 305143 CFDB

KARY RAYMOND JARVIS
Defendant/Appellee

DESIGNATION TO COURT REPORTER AND REPORTER'S ACKNOWLEDGMENT

I. DESIGNATION

Plaintiff/Appellant, State of Florida, files this Designation to Reporter and directs them to transcribe an original and 3 copies of the following portions of the October 19, 2021, proceedings to be used in this appeal:

1. The entire hearing recorded by the reporter on October 19, 2021, at 2 pm, before the Honorable SANDRA C. UPCHURCH.
2. The court reporter is directed to file the original with the clerk of the lower tribunal and to serve one copy on each of the following:

I, Counsel for Appellant, certify that satisfactory financial arrangements have been made with the court reporter for preparation of the transcript.

R.J. LARIZZA STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT

BY: s/MARK INTERLICCHIO

FLORIDA BAR NO. 10437
ASSISTANT STATE ATTORNEY
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IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff/Appellant

CASE NO: 2020 305143 CFDB

V

KARY RAYMOND JARVIS
Defendant/Appellee

_____ /

II. REPORTER'S ACKNOWLEDGMENT

1. The foregoing designation was served on the _____ day of October, 2021, and received on the __ day of October, 2021.
2. Satisfactory arrangements have/have not been made for payment of the transcript cost. These financial arrangements were completed on _____.
3. Number of trial or hearing days____.
4. Estimated number of transcript pages _____.
- 5a. The transcript will be available within 30 days of service of the foregoing designation and will be filed on or before the _____ day of October, 2021.

OR

- 5b. For the following reason(s) the court reporter requests an extension of time of _____ days for preparation of the transcript that will be filed on or before the _____ day of October, 2021.
6. Completion and filing of this acknowledgment by the court reporter constitutes submission to the jurisdiction of the court for all purposes in connection with these appellate proceedings.
7. The undersigned court reporter certifies that the foregoing is true and correct and that a copy has been furnished by mail _____ hand delivery _____ this _____ day of October, 2021, to each of the parties or their counsel.

DATE: _____

Court Reporter
432 South Beach Street
Daytona Beach, Fl.32126

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff/Appellant

CASE NO: 2020 305143 CFDB

vs.

KARY RAYMOND JARVIS
Defendant/Appellee

MOTION FOR STAY AND TOLLING OF SPEEDY TRIAL

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney, pursuant to Florida Rule of Appellate Procedure 9.140 and moves for the entry of an Order staying proceedings and tolling the running of the Speedy Trial period and as grounds therefore would show:

1. The Defendant is charged in this cause with:
 - i. AGGRAVATED BATTERY ON LAW ENFORCEMENT OFFICER
 - ii. AGGRAVATED BATTERY ON LAW ENFORCEMENT OFFICER
 - iii. AGGRAVATED FLEEING OR ATT ELUDE W/ INJ OR PROP DAMAGE
 - iv. TRAFFICKING IN HEROIN OR HYDROMORPHONE (4 GRAMS TO <14 GRAMS)
 - v. POSSESSION OF SCHEDULE I SUBSTANCE
 - vi. RESISTING AN OFFICER WITHOUT VIOLENCE
 - vii. TAMPERING WITH PHYSICAL EVIDENCE
 - viii. POSSESSION OF PARAPHERNALIA
 - ix. CARRYING A CONCEALED WEAPON.
2. Prior to the rescheduling of a trial date, a hearing was held on the Defendant's Motion to Suppress.
3. As a result of the hearing held on 10/19/2021, the Court entered an Order signed on October 21, 2021, filed on October 21, 2021, granting the Defendant's Motion to Suppress.
4. On October 25, 2021, the State filed a Notice of Appeal to the 5th District Court of Appeal seeking review of the Court's Order granting the Defendant's Motion to Suppress.
5. Florida Rule of Criminal Procedure 3.191(i)(4) provides that the speedy trial period may be extended or tolled for a period of reasonable and necessary delay resulting from proceedings including, but not limited to, appeals by the State.

WHEREFORE, the State of Florida moves for the entry of an Order staying the proceedings in the 7th Judicial Circuit and the tolling of the running of the speedy trial period until such time as appellate review of the Court's Order granting the Defendant's Motion Suppress, is completed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the Honorable SANDRA C. UPCHURCH, S. JAMES FOXMAN JUSTICE CENTER, 251 NORTH RIDGEWOOD AVENUE, DAYTONA BEACH, FL 32114, ASHLEY GILGER, 251 NORTH RIDGEWOOD AVENUE, DAYTONA BEACH, FL 32114 on this ____ day of October, 2021.

s/MARK INTERLICCHIO

Assistant State Attorney

Florida Bar # 10437

251 NORTH RIDGEWOOD AVENUE

DAYTONA BEACH, FL32114

(386) 239-7710