

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT OF FLORIDA

DARREL HARVEY,  
Appellant,

v.

STATE OF FLORIDA,  
Appellee.

CASE NO. 1D23-476

**NOTICE THAT STATE WILL NOT FILE AN ANSWER BRIEF  
PURSUANT TO FLORIDA RULE OF APPELLATE PROCEDURE  
9.141(b)**

This is an appeal from the summary denial of a motion pursuant to Florida Rule of Criminal Procedure 3.800. Briefs are not required pursuant to Florida Rule of Appellate Procedure 9.141(b). Accordingly, the State does not intend to file an answer brief unless directed by this Court to do so. *See Toler v. State*, 493 So. 2d 489 (Fla. 1st DCA 1986) (allowing the State an opportunity to address any specific reversible issues on a summary denial of a post-conviction motion).

Nonetheless, the filing of this notice should not, in any way, indicate that the State concedes anything or that it has made a determination as to merit, or lack thereof.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing has been furnished by email to Darrel Harvey at Darrel0815@gmail.com on this 21st day of April, 2023.

**CERTIFICATE OF COMPLIANCE**

I CERTIFY that this notice complies with the font requirements of Fla. R. App. P. 9.210 and was computer generated using Bookman Oldstyle 14-point font.

Respectfully submitted and  
served,

ASHLEY MOODY  
ATTORNEY GENERAL

Adam B. Wilson

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