

RULE 9.140. APPEAL PROCEEDINGS IN CRIMINAL CASES

(a) – (b) [No change]

(c) **Appeals by the State.**

(1) **Appeals Permitted.** The state may appeal an order

(A) dismissing an indictment or information or any count thereof or dismissing an affidavit charging the commission of a criminal offense, the violation of probation, the violation of community control, or the violation of any supervised correctional release;

(B) suppressing before trial confessions, admissions, or evidence obtained by search and seizure;

(C) granting a new trial;

(D) arresting judgment;

(E) granting a motion for judgment of acquittal after a jury verdict;

(F) discharging a defendant under Florida Rule of Criminal Procedure 3.191;

(G) discharging a prisoner on habeas corpus;

(H) finding a defendant incompetent or insane;

(I) finding a defendant ~~mentally retarded~~ intellectually disabled under Florida Rule of Criminal Procedure 3.203;

(J) granting relief under Florida Rule of Criminal Procedure 3.801 or 3.853;

(K) ruling on a question of law if a convicted defendant appeals the judgment of conviction;

(L) withholding adjudication of guilt in violation of general law;

(M) imposing an unlawful or illegal sentence or imposing a sentence outside the range permitted by the sentencing guidelines;

(N) imposing a sentence outside the range recommended by the sentencing guidelines;

(O) denying restitution; or

(P) as otherwise provided by general law for final orders.

(2) – (3) [No change]

(d) – (i) [No change]

Committee Notes

Amends language to conform to Ch. 2013-162, Laws of Florida.

[No change]