

FILED
THOMAS D. HALL

AUG 19 2009

CLERK, SUPREME COURT
BY _____

**IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE COUNTY, FLORIDA**

CASE NO. CR83-5401

STATE OF FLORIDA,

Plaintiff

v.

DAVID EUGENE JOHNSTON,

Defendant

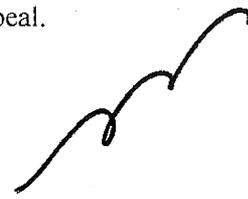
FILED IN OFFICE
CRIMINAL DIVISION
2009 AUG 19 PM 3:28
FLORIDA SUPREME COURT
CLERK, CIRCUIT COURT
ORANGE COUNTY

NOTICE OF APPEAL

Defendant, DAVID JOHNSTON, takes and enters his appeal to the Florida Supreme Court to review the Order and Judgment of the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida, bearing the date of August 18, 2009, and any and all other rulings, actions, or acts rendered adversely to the Defendant in support of said judgment.

The nature of the order appealed from is the Final Order Denying Relief After DNA Testing and Denying "Successive Motion to Vacate Judgment and Sentence With Special Request for Leave to Amend" rendered in the above-captioned case.

All parties to said cause are hereby notified of the entry of this appeal.



*C. Judge Watter, State, rec
cc - supreme ct, aag*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Appeal has been furnished by first class mail, postage prepaid, to all counsel of record on this 18th day of August, 2009.



D. Todd Doss
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Copies furnished to:

The Honorable Robert Wattles
Circuit Court Judge
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Jeffrey Ashton
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Office of the Attorney General
444 Seabreeze Blvd., 5th Floor
Daytona Beach, FL 32118

STATE OF FLORIDA, COUNTY OF ORANGE

that the above and foregoing is a true copy of the original filed in this office

8-19-09

Dated

By

Vatkinson

LYDIA GARDNER, Clerk Circuit Court

O.C.

