

APPENDIX

A

SECOND DISTRICT COURT DENIAL OF APPEAL

- 1) ACKNOWLEDGMENT OF NEW CASE
- 2) SECOND DISTRICT COURT OF APPEAL (2DCA)
OPTIONAL BRIEF
- 3) 2DCA - ADMINISTRATIVE ORDER
- 4) 2DCA - DENIAL OF WRIT OF PROHIBITION
- 5) ~~DENIAL~~ 2DCA - DENIAL OF REHEARING AND
REHEARING EN BANC



DISTRICT COURT OF APPEAL
SECOND DISTRICT
Post Office Box 327
LAKELAND, FLORIDA 33802
(863)940-6060

ACKNOWLEDGMENT OF NEW CASE

DATE: December 13, 2019

STYLE: JOHN DAVID WILSON, JR. v. STATE OF FLORIDA

2DCA#: 2D19-4751

The Second District Court of Appeal has received the APPEAL reflecting a filing date of December 9, 2019.

The county of origin is Hillsborough.

The lower tribunal case number provided is 99-CF-18481.

The filing fee is: No Fee-3.850.

Case Type: Criminal 3.850

The Second District Court of Appeal's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

Please review and comply with any handouts enclosed with this acknowledgment.

cc: ATTORNEY GENERAL, JOHN DAVID WILSON, JR.
TAMPA
PAT FRANK, CLERK

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

December 13, 2019

CASE NO.: 2D19-4751

L.T. No.: 99-CF-18481

JOHN DAVID WILSON, JR.

v.

STATE OF FLORIDA

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

This will proceed as a summary appeal pursuant to Florida Rule of Appellate Procedure 9.141(b)(2). Appellant is not obligated to submit a brief. An optional brief, should appellant choose to file one, must be served within thirty days.

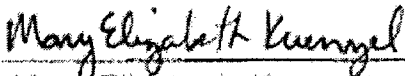
I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

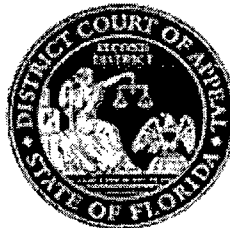
Served:

ATTORNEY GENERAL, TAMPA
PAT FRANK, CLERK

JOHN DAVID WILSON, JR.

vh


Mary Elizabeth Kuenzel
Clerk



IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

December 13, 2019

CASE NO.: 2D19-4751

L.T. No.: 99-CF-18481

JOHN DAVID WILSON, JR.

v.

STATE OF FLORIDA

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

This proceeding is classified as a summary postconviction appeal of the circuit court order of November 22, 2019. As of the time this order has issued this court has not received a bookmarked electronic record as required by this court's Administrative Order 2013-4. The circuit court clerk shall transmit the summary record to this court within ten days.

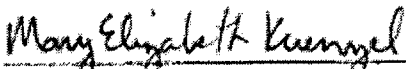
I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

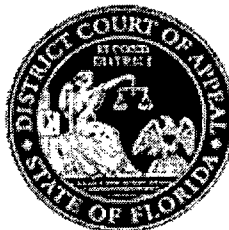
ATTORNEY GENERAL, TAMPA
PAT FRANK, CLERK

JOHN DAVID WILSON, JR.

vh



Mary Elizabeth Kuenzel
Clerk



NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOHN DAVID WILSON, JR.,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Case No. 2D19-4751

Opinion filed May 27, 2020.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hillsborough County; Mark Kiser, Judge.

John David Wilson, Jr., pro se.

PER CURIAM.

Affirmed.

SLEET, SALARIO, and ATKINSON, JJ., Concur.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

June 17, 2020

CASE NO.: 2D19-4751

L.T. No.: 99-CF-18481

JOHN DAVID WILSON, JR.

v.

STATE OF FLORIDA

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Appellant's pro se motion for an extension of time to file a motion for rehearing is granted. The motion may be filed within 30 days from the date of this order. Appellant should not anticipate any further extensions of time unless exceptional circumstances can be shown.

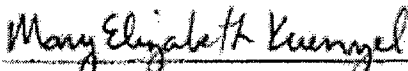
I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

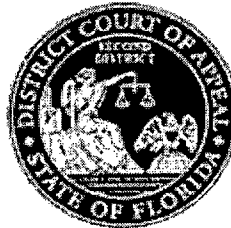
Served:

ATTORNEY GENERAL, TAMPA
JOHN DAVID WILSON, JR.

C. TODD CHAPMAN, A.A.G.
PAT FRANK, CLERK

ag


Mary Elizabeth Kuenzel
Clerk



IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

June 30, 2020

CASE NO.: 2D19-4751

L.T. No.: 99-CF-18481

JOHN DAVID WILSON, JR.

v.

STATE OF FLORIDA

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Appellant's motion for rehearing and rehearing en banc is treated as a motion for rehearing and denied. Appellant's request for a written opinion is denied.

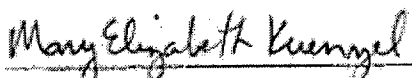
I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

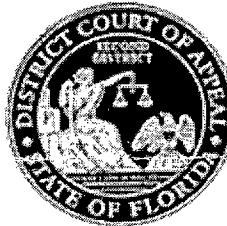
Served:

ATTORNEY GENERAL, TAMPA
JOHN DAVID WILSON, JR.

C. TODD CHAPMAN, A.A.G.
PAT FRANK, CLERK

ag


Mary Elizabeth Kuenzel
Clerk



IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

June 05, 2020

CASE NO.: 2D19-3829

L.T. No.: 00-12480

JOHN D. WILSON

v.

STATE OF FLORIDA

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Article I, section 16(b)(10)(b), Florida Constitution, provides that all state-level appeals and collateral attacks on any judgment must be complete within two years from the date of appeal in noncapital cases unless a court enters an order with specific findings as to why the court was unable to comply and the circumstances causing the delay. Pursuant to the administrative procedures and definitions set forth in Supreme Court of Florida Administrative Order No. AOSC19-76, this case was not completed within the required time because the case was initiated in this court after the time had already expired.

This order is for reporting purposes only. It does not affect the decision in this case or the date of the mandate if one has issued, and it has no effect on related proceedings in the lower tribunal or in federal court.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

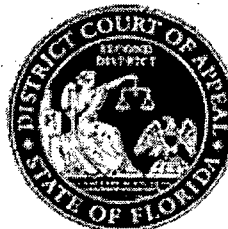
Served:

ATTORNEY GENERAL, TAMPA
JOHN D. WILSON

PAT FRANK, CLERK

vh

Mary Elizabeth Kuenzel
Mary Elizabeth Kuenzel
Clerk



APPENDIX

B

DECISION OF STATE TRIAL
COURT

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA
Criminal Justice and Trial Division

STATE OF FLORIDA,

CASE NO.: 99-CF-018481
00-CF-012480

v.

JOHN WILSON,
Defendant.

DIVISION: E

ORDER DENYING DEFENDANT'S WRIT OF PROHIBITION
and
ORDER DENYING DEFENDANT'S MOTION ALERTING TRIAL COURT OF
PENDING LITIGATION AND REQUEST FOR A HEARING ON THE MERITS

THIS MATTER is before the Court on Defendant's "Writ of Prohibition" and "Index to the Exhibits," filed on July 24, 2019, and Defendant's "Motion Alerting Trial Court of Pending Litigation and Request for a Hearing on the Merits," filed on October 18, 2019. After reviewing the motions, the court file, and the record, the Court finds as follows:

Writ of Prohibition

In his "Writ of Prohibition," Defendant states he is "[p]etitioning the trial court to dismiss the information in the above mentioned case[s] due to a constitutional violation of [his] speedy trial right." See Writ of Prohibition, attached. Defendant contends the writ is timely filed "due to the recent discovery of newly discovered evidence" that was discovered "too late to file for a new trial." *Id.* Defendant argues the "State fraudulently used false and misleading evidence to intentionally delay [his] trial, due to the State knew [sic] the pretrial incarceration was oppressive, [t]hereby forcing [him] to plead out to a nonexistent crime, after violating [his] right to a fair and speedy trial." *Id.* Defendant appears to allege that a "chain conspiracy was entered into by [his]

private attorney James Souza ... and, the state, represented by Patricia Dawson ... [i]n a scheme to deny [him his] constitutional speedy trial by demand right." *Id.*

Defendant attaches a letter from Mr. Souza in which Mr. Souza explains to The Florida Bar that the State filed a motion to continue in June of 2000 because "Assistant State Attorney Dawson was away attending her father's funeral." *Id.* Defendant states that while this letter "isn't newly discovered evidence," he was recently told by another inmate that Attorney Dawson's father is alive, contrary to what is included within the letter from Mr. Souza. *Id.* Defendant argues Mr. Souza and Assistant State Attorney Dawson "intentionally or unintentionally came up with a scheme to deprive [him] of [his] constitutionally demanded speedy trial demand by: 1) [Assistant State Attorney] Dawson petitioning the trial court [for] a fraudulent based [emergency motion to continue] ... [and] 2) ... [Mr.] Souza phoning all subpoenaed witnesses and intimidating them not to come to [his] trial, due to his ... part of the Chain Conspiracy." *Id.* Defendant contends Mr. Souza "needed this postponement due to just returning back from vacation, and [Assistant State Attorney] Dawson needed this postponement to coerce [him] to accept the state offer." *Id.*

Defendant states he is seeking "1) [a]n evidentiary hearing to determine when [Assistant State Attorney] Dawson's father died; 2) [a]n evidentiary hearing to determine [whether Mr.] Souza did call Rafel [sic], and Gayle James and told them not to come to [his] trial; 3) [v]acation of judgment, reveal [sic] of conviction, and remand for new trial; 4) [d]ismiss[al of] the information due to a violation of speedy trial; [and] 5) [for the Court to g]rant this writ of prohibition." *Id.*

Defendant also requests the Court to hold a hearing to determine "the truthfulness of [Assistant State Attorney] Dawson's evidence of her father's death;" whether the State "intentionally delayed [his] case to gain a tactical advantage;" whether he was "[on] time to assert

[his] Speedy Trial Right;" whether he "filed a Motion to Discharge Due to a Violation of Speedy Trial;" whether Mr. Souza told him to "take the deal or return back to jail;" whether he was "behind on rent for 3 months, and someone broke into [his apartment] and stole the majority of [his] belongings;" and whether he "forcefully assert[ed his] Speedy Trial Right." *Id.*

After reviewing Defendant's "Writ of Prohibition," the Court finds Defendant is not entitled to relief. Specifically, the Court finds that Defendant previously raised the same or substantially similar allegations in his "Motion for Relief from Judgment Based on Extrinsic Fraud upon the Court," which was filed on March 26, 2014. The Court addressed Defendant's claims and dismissed the motion on June 19, 2014. *See* June 19, 2014, Order, attached. Defendant appealed the Court's order and the Second District Court of Appeal affirmed the dismissal. *See* Mandate, attached. **Consequently, because the Court has already determined Defendant is not entitled to relief on these claims, his "Writ of Prohibition" is denied.**

Motion Alerting Trial Court of Pending Litigation and Request for a Hearing on the Merits

In his "Motion Alerting Trial Court of Pending Litigation and Request for a Hearing on the Merits," Defendant states he is noticing the Court of the pending "Writ of Prohibition" and requesting a hearing to resolve his outstanding allegations. *See* Motion Alerting Trial Court of Pending Litigation and Request for a Hearing on the Merits, attached. However, based on the Court's ruling above, the Court finds Defendant is not entitled to a hearing on his "Writ of Prohibition." Accordingly, Defendant's "Motion Alerting Trial Court of Pending Litigation and Request for a Hearing on the Merits" is denied.

It is therefore **ORDERED AND ADJUDGED** that Defendant's "Writ of Prohibition" is hereby **DENIED**.

It is further **ORDERED** that Defendant's "Motion Alerting Trial Court of Pending Litigation and Request for a Hearing on the Merits" is hereby **DENIED**.

Defendant has thirty days within which to appeal this order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this ____ day of October, 2019.

ORIGINAL SIGNED
CONFORMED COPY

OCT 30 2019

MARK D. KISER
CIRCUIT JUDGE

MARK KISER, Circuit Judge

Attachments:

Writ of Prohibition
Index to the Exhibits
Motion Alerting Trial Court of Pending Litigation and Request for a Hearing on the Merits
June 19, 2014, Order
Mandate

Copies provided to:

John Wilson, DC#: T21940
Zephyrhills Correctional Institution
2739 Gall Boulevard
Zephyrhills, Florida 33541-9701

Assistant State Attorney, Division E

APPENDIX

C

DECISION OF STATE
SUPREME COURT DENYING
REVIEW

Supreme Court of Florida

WEDNESDAY, JULY 22, 2020

CASE NO.: SC20-1052

Lower Tribunal No(s):
2D19-4751; 291999CF018481000AHC

JOHN DAVID WILSON JR.

vs. STATE OF FLORIDA

Petitioner(s)

Respondent(s)

This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wheeler v. State*, No. SC19-1916 (Fla. June 11, 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

No motion for rehearing or reinstatement will be entertained by the Court.

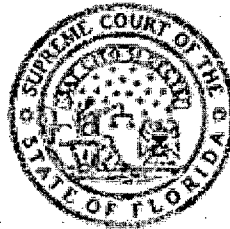
A True Copy

Test:



John A. Tomasino

Clerk, Supreme Court



td

Served:

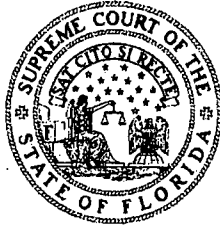
C. SUZANNE BECHARD

JOHN DAVID WILSON JR.

HON. MARY BETH KUENZEL, CLERK

HON. PAT FRANK, CLERK

HON. MARK D. KISER, JUDGE



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO
CLERK
MARK CLAYTON
CHIEF DEPUTY CLERK
JULIA BREEDING
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125
www.floridasupremecourt.org

June 23, 2020

John David Wilson, Jr. #T21940
Maratin Correctional Institution
1150 S.W. Allapattah Road
Indiantown, FL 34956-4397

Re: Document Request received June 19, 2020

Dear Mr. Wilson:

In response to your request for forms to appeal a district court of appeal per curiam affirmance (PCA), the Florida Supreme Court does not have jurisdiction (power) to review PCAs. The Court's jurisdiction (authority) to review decisions of the district courts of appeal is limited by the Florida constitution. The Florida constitution does not permit this Court to review unelaborated decisions (PCAs) of the district courts. I regret I was unable to provide you with the requested materials.

Sincerely,

A handwritten signature in black ink, appearing to be "JAT", followed by a horizontal line.

John A. Tomasino

JAT/jv