

Appendix Exhibit (C)(1)

Supreme Court of Florida

WEDNESDAY, JULY 22, 2020

CASE NO.: SC20-729

Lower Tribunal No(s):

2D20-307;

532016CF005185A000XX

DELWYN MANUEL

vs. MARK S. INCH, ETC.

Petitioner(s)

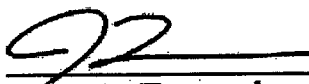
Respondent(s)

Petitioner has filed a "Petition for Writ of Review Invoking Certiorari on 'Opinion' Filed," which this Court has treated as a petition for writ of habeas corpus. The petition is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues that were or could have been raised on direct appeal or in prior postconviction proceedings. *See Denson v. State*, 775 So. 2d 288, 290 (Fla. 2000); *Breedlove v. Singletary*, 595 So. 2d 8, 10 (Fla. 1992). No motion for rehearing will be entertained by this Court.

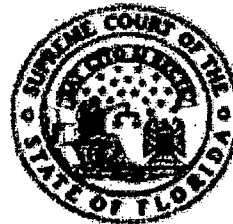
POLSTON, LABARGA, LAWSON, MUÑIZ, and COURIEL, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



ks

Served:

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DELWYN MANUEL,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Case No. 2D20-307

➔ Opinion filed July 1, 2020.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court
for Polk County; J. Kevin Abdoney,
Judge.

PER CURIAM.

Affirmed. See Carbajal v. State, 75 So. 3d 258 (Fla. 2011); State v. King,
426 So. 2d 12 (Fla. 1982); Henry v. State, 933 So. 2d 28 (Fla. 2d DCA 2006);
Bessellieu v. State, 266 So. 3d 1194 (Fla. 1st DCA 2018); Solorio v. State, 194 So. 3d
465 (Fla. 3d DCA 2016); Logan v. State, 1 So. 3d 1253 (Fla. 4th DCA 2009).

NORTHCUTT, KELLY, and VILLANTI, JJ., Concur.

Exhibit B.(2).

THE STATE OF FLORIDA
UNIFORM COMMITMENT TO CUSTODY OF DEPARTMENT OF CORRECTIONS

THE CIRCUIT COURT OF THE 10TH JUDICIAL CIRCUIT OF FLORIDA,
 IN AND FOR POLK COUNTY

CASE NUMBER: 2016CF-005185-A000-XX

DC#: Z17047

STATE OF FLORIDA

VS.

DELWYN PIERRE MANUEL

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE SHERIFF OF THE ABOVE-
 REFERENCED COUNTY AND THE DEPARTMENT OF CORRECTIONS, GREETINGS:

THE ABOVE-NAMED DEFENDANT HAS BEEN DULY CHARGED, CONVICTED, ADJUDICATED GUILTY,
 AND SENTENCED FOR THE OFFENSE(S) SET FORTH IN THE ATTACHED CERTIFIED COPIES OF THE
 INDICTMENT(S)/INFORMATION(S), ORIGINAL JUDGMENT(S) ADJUDICATING GUILT, AND SENTENCING
 ORDER(S). IN ADDITION TO THE ORIGINAL JUDGMENT, IF JUDICIAL SUPERVISION HAS BEEN
 REVOKED SUBSEQUENT TO THE ENTRY OF THE JUDGMENT ADJUDICATING GUILT, A CERTIFIED
 COPY OF THE ORDER REVOKING SUPERVISION IS ALSO ATTACHED IN SUPPORT OF THIS
 COMMITMENT.

NOW THEREFORE, THIS IS TO COMMAND YOU, THE SHERIFF, TO TAKE AND KEEP AND, WITHIN A
 REASONABLE TIME AFTER RECEIVING THIS COMMITMENT, DELIVER THE DEFENDANT INTO THE
 CUSTODY OF THE DEPARTMENT OF CORRECTIONS; AND THIS IS TO COMMAND YOU, THE
 SECRETARY OF THE DEPARTMENT OF CORRECTIONS, TO KEEP AND IMPRISON THE DEFENDANT
 FOR THE TERM OF THE SENTENCE. HEREIN FAIL NOT.

WITNESS THE HONORABLE J KEVIN ABDONEY

JUDGE OF SAID COURT, AND ALSO, THE CLERK AND THE SEAL THEREOF,

THIS 15TH DAY OF DECEMBER, 2017

STACY M. BUTTERFIELD, CLERK

BY:


 DEPUTY CLERK


REVISED 3/1/15

Exhibit B. (3).

☐ RE-SENTENCING☐ COMM CONTROL/PROBATION VIOLATOR

IN THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT,
IN AND FOR POLK COUNTY, FLORIDA

DIVISION: F4

CASE NUMBER: 2016CF-005185-A000-XX

DC#: Z17047

OBTS#: 5303224181

STATE OF FLORIDA

VS.

DELWYN PIERRE MANUEL

JUDGMENT

THE DEFENDANT DELWYN PIERRE MANUEL, BEING PERSONALLY BEFORE THIS COURT
 REPRESENTED BY PATRICK C LONG, HIS ATTORNEY OF RECORD, AND THE STATE
 REPRESENTED BY WILLIAM JOSEPH DENNIS, SR, ASSISTANT STATE ATTORNEY, AND HAVING

BEEN FOUND GUILTY BY JURY TO THE FOLLOWING CRIME(S):

COUNT		STATUTE	DEGREE
1	SEX BATT ON 12-18 YR OLD BY CUSTODIAN	794.011	F1

☒ AND NO CAUSE BEING SHOWN WHY THE DEFENDANT SHOULD NOT BE ADJUDICATED GUILTY, IT IS ORDERED THAT THE DEFENDANT IS HEREBY ADJUDICATED GUILTY OF THE ABOVE CRIME(S).

☒ AND PURSUANT TO SECTION 943.325, FLORIDA STATUTES, HAVING BEEN CONVICTED OF ATTEMPTS OR OFFENSES AS SPECIFIED THEREBY, THE DEFENDANT SHALL BE REQUIRED TO SUBMIT BLOOD OR OTHER BIOLOGICAL SPECIMEN FOR DNA ANALYSIS.

☐ DOC COMMUNITY CONTROL (FOR ADULT OFFENDERS ONLY)-SECTION 827.071, FLORIDA STATUTES-SEXUAL PERFORMANCE BY A CHILD, 847.0145-SELLING OR BUYING OF MINORS

☐ AND GOOD CAUSE BEING SHOWN; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD. (TO BE CHECKED ONLY IF DEFENDANT IS FINGERPRINTED)

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Exhibit B. (4)

DELWYN PIERRE MANUEL

2016CF-005185-A000-XX

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THE DEFENDANT, BEING PERSONALLY BEFORE THIS COURT, ACCOMPANIED BY HIS ATTORNEY, AND HAVING BEEN ADJUDICATED GUILTY HEREIN, AND THE COURT HAVING GIVEN THE DEFENDANT AN OPPORTUNITY TO BE HEARD AND TO OFFER MATTERS IN MITIGATION OF SENTENCE, AND TO SHOW CAUSE WHY HE SHOULD NOT BE SENTENCED AS PROVIDED BY LAW, AND NO CAUSE BEING SHOWN, (CHECK ONE IF APPLICABLE)

SENTENCE (AS TO COUNT 1)

- ☐ AND THE COURT HAVING ON DEFERRED IMPOSITION OF SENTENCE UNTIL THIS DATE
☐ AND THE COURT HAVING PREVIOUSLY ENTERED A JUDGMENT IN THIS CASE ON NOW RE-SENTENCES THE DEFENDANT
☐ AND THE COURT HAVING PLACED THE DEFENDANT ON PROBATION/COMMUNITY CONTROL AND HAVING SUBSEQUENTLY REVOKED THE DEFENDANT'S PROBATION/COMMUNITY CONTROL

IT IS THE SENTENCE OF THE COURT THAT:

- ☐ THE DEFENDANT PAY A FINE OF \$ PURSUANT TO F.S. 775.083, FLORIDA STATUTES, PLUS \$ AS THE 5% SURCHARGE REQUIRED BY SECTION 838.04, FLORIDA STATUTES (SEE COST ORDER)
☒ THE DEFENDANT IS HEREBY COMMITTED TO THE DEPARTMENT OF CORRECTIONS
☐ THE DEFENDANT IS HEREBY COMMITTED TO THE CUSTODY OF THE SHERIFF OF POLK COUNTY, FLORIDA
☐ THE DEFENDANT IS SENTENCED AS A YOUTHFUL OFFENDER IN ACCORDANCE WITH SECTION 858.04 FLORIDA STATUTES

TO BE IMPRISONED (CHECK ONE: UNMARKED SECTIONS ARE INAPPLICABLE):

- ☒ FOR A TERM OF NATURAL LIFE
☐ FOR A TERM OF YEAR(S), MONTH(S), DAY(S)
☐ SAID SENTENCE SUSPENDED FOR A PERIOD OF 0 YEARS, 0 MONTHS, 0 DAYS SUBJECT TO CONDITIONS SET FORTH IN THIS ORDER

IF "SPLIT" SENTENCE, COMPLETE THE APPROPRIATE PARAGRAPH:

- ☐ FOLLOWED BY A PERIOD OF 0 YEAR(S), 0 MONTH(S), 0 DAY(S) ON COMMUNITY CONTROL; FOLLOWED BY A PERIOD OF 0 YEAR(S), 0 MONTH(S), 0 DAY(S) ON PROBATION UNDER THE SUPERVISION OF THE DEPARTMENT OF CORRECTIONS ACCORDING TO THE TERMS AND CONDITIONS OF SUPERVISION SET FORTH IN A SEPARATE ORDER ENTERED HEREIN
☐ HOWEVER, AFTER SERVING A PERIOD OF IMPRISONMENT IN , THE BALANCE OF THE SENTENCE SHALL BE SUSPENDED AND DEFENDANT SHALL BE PLACED ON PROBATION/COMMUNITY CONTROL FOR A PERIOD OF UNDER SUPERVISION OF THE DEPARTMENT OF CORRECTIONS ACCORDING TO THE TERMS AND CONDITIONS OF PROBATION/COMMUNITY CONTROL SET FORTH IN A SEPARATE ORDER ENTERED HEREIN

IN THE EVENT THE DEFENDANT IS ORDERED TO SERVE ADDITIONAL SPLIT SENTENCES, ALL INCARCERATION PORTIONS SHALL BE SATISFIED BEFORE THE DEFENDANT BEGINS SERVICE OF THE SUPERVISION TERMS.

IT IS FURTHER ORDERED THAT THE SENTENCE IMPOSED FOR THIS COUNT SHALL RUN:

- ☐ CONSECUTIVE TO: ☐ CONCURRENT WITH: ☐ COTERMINOUS/CONCURRENT WITH:
 THE SENTENCE SET FORTH IN COUNT

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Exhibit B. (5).

DELWYN PIERRE MANUEL

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SPECIAL PROVISIONS CONT. (AS TO COUNT)

BY APPROPRIATE NOTATION, THE FOLLOWING PROVISIONS APPLY TO THE SENTENCE IMPOSED:

MANDATORY/MINIMUM PROVISIONS:**CONTINUING CRIMINAL ENTERPRISE**☐

IT IS FURTHER ORDERED THAT THE 25 YEAR MINIMUM SENTENCE PROVISIONS OF SECTION 893.20, FLORIDA STATUTES, ARE HEREBY IMPOSED FOR THE SENTENCE SPECIFIED IN THIS COUNT (OFFENSES COMMITTED BEFORE JANUARY 1, 1994).

TAKING A LAW ENFORCEMENT OFFICER'S FIREARM☐

IT IS FURTHER ORDERED THAT THE 3-YEAR MANDATORY MINIMUM IMPRISONMENT PROVISION OF SECTION 775.0875(1), FLORIDA STATUTES, IS HEREBY IMPOSED FOR THE SENTENCE SPECIFIED IN THIS COUNT (OFFENSES COMMITTED BEFORE JANUARY 1, 1994).

DUI MANSLAUGHTER☐

IT IS FURTHER ORDERED THAT THE 4-YEAR MINIMUM IMPRISONMENT PROVISION OF SECTION 316.183(3)(c)3, FLORIDA STATUTES, IS HEREBY IMPOSED FOR THE SENTENCE SPECIFIED IN THIS COUNT.

AGGRAVATED BATTERY ON PERSON OVER 65 YEARS OF AGE☐

IT IS FURTHER ORDERED THAT THE 3-YEAR MINIMUM IMPRISONMENT PROVISION OF SECTION 784.08, FLORIDA STATUTES, IS HEREBY IMPOSED FOR THE SENTENCE SPECIFIED IN THIS COUNT.

SEXUAL OFFENDER/SEXUAL PREDATOR DETERMINATIONS:**SEXUAL PREDATOR (AS TO COUNT 1)**☒

THE DEFENDANT IS ADJUDICATED A SEXUAL PREDATOR AS SET FORTH IN SECTION 775.21, FLORIDA STATUTES.

SEXUAL OFFENDER☐

THE DEFENDANT MEETS THE CRITERIA FOR A SEXUAL OFFENDER AS SET FORTH IN SECTION 943.0435(1)(a)1a., b., c., OR d.

AGE OF VICTIM

THE VICTIM WAS ____ YEARS OF AGE AT THE TIME OF THE OFFENSE.

AGE OF DEFENDANT

THE DEFENDANT WAS ____ YEARS OF AGE AT THE TIME OF THE OFFENSE.

RELATIONSHIP TO VICTIM

THE DEFENDANT ____ IS ____ IS NOT THE VICTIM'S PARENT OR GUARDIAN.

SEXUAL ACTIVITY [F.S. 800.04(4)]

THE OFFENSE ____ DID ____ DID NOT INVOLVE SEXUAL ACTIVITY.

USE OF FORCE OR COERCION [F.S. 800.04(4)]

THE SEXUAL ACTIVITY DESCRIBED HEREIN ____ DID ____ DID NOT INVOLVE THE USE OF FORCE OR COERCION.

USE OF FORCE OR COERCION/UNCLOTHED GENITALS [F.S. 800.04(5)]

THE MOLESTATION ____ DID ____ DID NOT INVOLVE UNCLOTHED GENITALS OR GENITAL AREA.

THE MOLESTATION ____ DID ____ DID NOT INVOLVE THE USE OF FORCE OR COERCION.

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**Additional material
from this filing is
available in the
Clerk's Office.**