

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**ROBERT EARL JACKSON,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D20-1091

[October 1, 2020]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Bernard I. Bober, Judge; L.T. Case No. 13-17734CF10A.

John Weinberg of Weinberg Law Firm, P.A., West Palm Beach, for appellant.

Ashley Moody, Attorney General, Tallahassee, and Melynda L. Melear, Senior Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

*Affirmed.*

GROSS, CONNER and KLINGENSMITH, JJ., concur.

\* \* \*

***Not final until disposition of timely filed motion for rehearing.***

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

December 31, 2020

CASE NO.: 4D20-1091

L.T. No.: 13017734CF10A

ROBERT EARL JACKSON

v. STATE OF FLORIDA

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Appellant / Petitioner(s)

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

ORDERED that appellant's November 19, 2020 *pro se* motion for rehearing and rehearing en banc is denied.

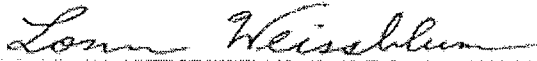
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cc: Attorney General-W.P.B.

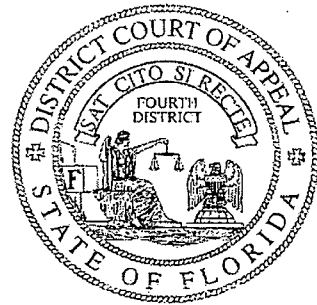
Melynda L. Melear

Robert Earl Jackson

kr



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LONN WEISSBLUM, Clerk  
Fourth District Court of Appeal



**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

STATE OF FLORIDA, )

CASE NO.: 13-17734CF10A

Plaintiff, )

v. )

JUDGE: BOBER

ROBERT EARL JACKSON, )

Defendant. )

**ORDER DENYING DEFENDANT'S  
RENEWED SWORN MOTION PURSUANT TO RULE 3.850**

**THIS CAUSE** comes before the Court upon Defendant's "Renewed Sworn Motion Pursuant to Rule 3.850 of the Florida Rules of Criminal Procedure and Incorporated Memorandum of Law." Having considered Defendant's motion, the response of the State, Defendant's Reply/Opposition to State's Response, applicable law, and being otherwise fully advised in the premises, this Court finds as follows:

Defendant is not entitled to relief on the claims raised in his instant motion. The State has filed a response which contains a thorough recital of the issues and the law. As such, this Court hereby adopts the reasoning set forth in the State's response, a copy of which has been previously provided to Defendant and remains a part of the court file. Accordingly,

It is **ORDERED AND ADJUDGED** that Defendant's motion is hereby **DENIED**. The Defendant has thirty (30) days from the date of rendition of this order to file an appeal.

**DONE AND ORDERED** on this 6 day of April, 2020, in Chambers,  
Fort Lauderdale, Broward County, Florida.

TRUE COPY

APR 06 2020

\_\_\_\_\_  
BERNARD I. BOBER  
CIRCUIT JUDGE

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

ROBERT JACKSON,

Defendant.

CASE NO.: 13-17734CF10A

JUDGE: MURPHY

**ORDER DISMISSING, WITHOUT PREJUDICE,  
DEFENDANT'S MOTION FOR POST-CONVICTION RELIEF**

THIS CAUSE comes before the Court upon Defendant's Motion for Post-Conviction Relief, brought pursuant to Florida Rule of Criminal Procedure 3.850 and filed on September 16, 2019. Having considered Defendant's motion, the State's response, applicable law, and being otherwise fully advised in the premises, this Court finds as follows:

As the State correctly asserts in its response, Defendant's oath is insufficient under Rule 3.850(c), which requires a statement "... that the defendant has read the motion or that it has been read to him or her, that the defendant understands its content, and that all of the facts stated therein are true and correct." See, Rule 3.850(c). As such, the motion must be dismissed without prejudice to Defendant filing an amended motion containing a sufficient oath under the rule. Accordingly,

It is **ORDERED AND ADJUDGED** that Defendant's Motion is hereby **DISMISSED** without prejudice.

**DONE AND ORDERED** on this 3 day of January, 2020, in Chambers  
Fort Lauderdale, Broward County, Florida.

JOHN J. MURPHY, III  
CIRCUIT JUDGE

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