

Exhibit  
001

# Supreme Court of Florida

WEDNESDAY, JANUARY 6, 2021

CASE NO.: SC21-15

Lower Tribunal No(s):

1D20-2730; 031995CF002844XXAXMX

EDWARD TYRONE RIDLEY vs. STATE OF FLORIDA

Petitioner(s)

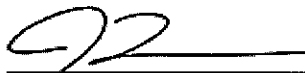
Respondent(s)

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*, 296 So. 3d 895 (Fla. 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).

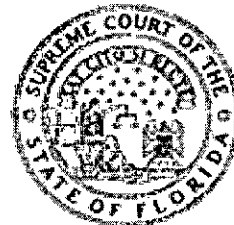
No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

Test:



John A. Tomasino  
Clerk, Supreme Court



td

Served:

TRISHA MEGGS PATE

EDWARD TYRONE RIDLEY

HON. CHRISTOPHER NIDA PATTERSON, CHIEF JUDGE

HON. KRISTINA SAMUELS, CLERK

HON. BILL KINSAUL, CLERK

Exhibit  
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Florida Supreme Court  
Docket Report

Page 1 of 2

SC21-15

EDWARD TYRONE RIDLEY vs STATE OF FLORIDA

Type	Date	Description
Notice	01/05/2021	NOTICE-DISCRETIONARY JURIS (DIRECT CONFLICT) Filed by: PS EDWARD TYRONE RIDLEY 0958659 BY: PS EDWARD TYRONE RIDLEY 0958659
Notes:		
Notice	01/05/2021	NOTICE-DISCRETIONARY JURIS (DIRECT CONFLICT) Filed by: PS EDWARD TYRONE RIDLEY 0958659 BY: PS EDWARD TYRONE RIDLEY 0958659
Notes: ***Uncertified Copy Rec'd 01/04/2021***		
Event	01/06/2021	No Fee Required Filed by:
Notes: 9.141 Summary Appeal		
Letter	01/06/2021	ACKNOWLEDGMENT LETTER-NEW CASE Filed by: PS EDWARD TYRONE RIDLEY 0958659 BY: PS EDWARD TYRONE RIDLEY 0958659
Notes:		
Disposition	01/06/2021	DISP-REV/APPEAL DISM NO JURIS OMNIBUS Manner: Order by Clerk
Notes: 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, 296 So. 3d 895 (Fla. 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.		
Letter	01/13/2021	LETTER Filed by: PS EDWARD TYRONE RIDLEY 0958659 BY: PS EDWARD TYRONE RIDLEY 0958659
Notes:		

Volume - 1

Doc # 96-3228

4-530

IN THE CIRCUIT COURT, FOURTEENTH  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA, IN AND FOR BAY COUNTY

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: 95-2844

EDWARD TYRONE RIDLEY,

Defendant.

**RECEIVED**

SEP 11 1996

PUBLIC DEPT. CLERK  
2nd JUDICIAL CIRCUIT

\* \* \*

The following pages constitute the PLEA AND SENTENCING  
on the 29th day of July, 1996, in the above-styled cause, heard before  
the Honorable Allen L. Register, Acting Circuit Judge, at the Bay  
County Courthouse, Panama City, Florida. Taken before Rebecca Ann  
Akins, a Judicial Court Reporter in and for the State of Florida at  
Large.

\* \* \*

**FILED IN OFFICE**

JAN 14 2021

Genet A. Maddox

CLERK OF SUPERIOR COURT  
WILCOX COUNTY, GEORGIA

REBECCA ANN AKINS  
JUDICIAL COURT REPORTER

000112

\* Notice of Appeal forwarded to DCA <sup>psk</sup> FILED

IN THE CIRCUIT COURT  
FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA  
IN AND FOR BAY COUNTY

2021 JAN 26 A 9 44

BILL KINSAUL  
CLERK OF COURT  
BAY COUNTY, FLORIDA

CASE NO.: 95-2844-CFMA

STATE OF FLORIDA,

Plaintiff,

v.

EDWARD TYRONE RIDLEY,

Defendant.

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**ORDER DISMISSING DEFENDANT'S "OBJECTION TO ILLEGAL ORDER DENYING MOTIONS FOR REHEARING AND WILL ANSWER ILLEGAL SHOW CAUSE," "EXPEDITED OBJECTION TO ORDER DISMISSING 'EXPEDITED MOTION TO CITE LACKAWANNA V. COSS, GIDEON V. WAINWRIGHT, CUSTIS CLAIMS L.T. COURT REFUSE TO FILE AS PART OF APPEAL RECEIVED ON OCT. 9, 2020 DOCUMENTS FROM L.T. CT. WITHDRAW 1995-2844H' AND 'MOTION FOR SIXTH AMENDMENT RIGHT TO COUNSEL AND APPELLATE COUNSEL,'" AND "EXPEDITED MOTION TO SUBMIT NEWLY DISCOVERED INFORMATION FOR FURTHER CHRONIC INEFFECTIVE COUNSEL CASE NO. 1995-2844," AND ORDER BARRING DEFENDANT FROM FURTHER PRO SE FILINGS IN CRIMINAL CASE NUMBER 95-2844-CFMA AND DIRECTING THE CLERK TO RETURN ALL FUTURE PRO SE FILINGS FROM THIS DEFENDANT**

THIS MATTER is before the Court on Defendant's pro se "Objection to Illegal Order Denying Motions for Rehearing and Will Answer Illegal Show Cause," filed October 27, 2020; his "Expedited Objection to Order Dismissing 'Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims L.T. Court Refuse to File as Part of Appeal Received on Oct. 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H' and 'Motion for Sixth Amendment Right to Counsel and Appellate Counsel,'" filed November 17, 2020; and his "Expedited Motion to Submit Newly Discovered Information for Further Chronic Ineffective Counsel Case No. 1995-2844," filed November 18, 2020. Having considered said motions, the court file and records, and being otherwise fully advised, this Court finds as follows:

Procedural History

The Amended Information charged Defendant with Sexual Battery in violation of section 794.011(5), Florida Statutes, as follows:

\* Documents Returned per this order. \*

Edward T. Ridley, on or about the 4th day of December, 1995, in the County and State aforesaid, did unlawfully commit a sexual battery upon a person over the age of twelve (12) years, to-wit: [Victim], 20 years of age, by penetrating her vagina with his finger(s) and/or his penis, without the consent of said victim, and in the process thereof used physical force and violence not likely to cause serious personal injury, in violation of Section 794.011(5), Florida Statutes.

(Ex. A.) On July 29, 1996, Defendant entered a plea of nolo contendere to the charge of Attempted Sexual Battery, a third-degree felony. (Ex. B.) In accordance with the agreed disposition, Defendant was adjudicated guilty of Attempted Sexual Battery in violation of section 794.011, Florida Statutes, a third-degree felony, sentenced to three years in prison with 230 days of jail credit, and ordered to submit blood specimens to the Florida Department of Law Enforcement pursuant to section 943.325, Florida Statutes. (Ex. C.) On direct appeal, the First District Court of Appeal per curiam affirmed the judgment and sentence. (Ex. D.)

From the date of his conviction and sentence through January of 1998, Defendant filed numerous pro se motions, affidavits, and letters. On January 30, 1998, the Court took "judicial notice that the defendant has filed 37 frivolous and meritless petitions, pro se orders and other unauthorized pro se documents since the date of his conviction on July 29, 1996. Further, he has mailed a myriad of correspondence directly to the Court. In response to the multitude of letters, the Court has properly advised the defendant, on numerous occasions, that it could not grant the defendant's requests ex parte." The Court noted that he would "be allowed to file a pro se appeal of judgment of his conviction or an order denying his prospective postconviction relief motion" but ordered the Clerk "to reject for filing any civil petitions and appeals, pro se orders and letters addressed to the Court therefrom unless accompanied by the proper filing fee or submitted and signed by a member of the Florida Bar." (Ex. E.)

On June 1, 1998, Defendant filed a pro se Motion to Correct an Illegal Sentence pursuant to rule 3.800(a), alleging that his sentence was illegal because attempted sexual battery was not an offense under section 794.011. (Ex. F.) In denying relief, the Court noted that the third-degree felony offense of Attempted Sexual Battery is a lesser offense of the second-degree felony of Sexual Battery pursuant to section 794.011(5), Florida Statutes. The Court also determined the record clearly showed that Defendant "was informed that he had violated Fla. Stat. 794.011(5), which is a 2d-degree felony that is punishable up to 15 years imprisonment" but the "state offered defendant a plea for the lesser offense of attempted sexual battery (3d-degree felony), which is punishable up to five years DOC. As a result, defendant accepted the plea and was sentenced to three years DOC." The Court ruled the three-year sentence did not exceed the five-year statutory maximum sentence for a third-degree felony and was not an illegal sentence. (Ex. G.)

On June 9, 1998, Defendant filed a Motion to Dismiss Information in which he argued the facts did not establish a prima facie case of guilt to support a conviction of Attempted Sexual Battery under section 794.011 because the alleged victim was over the age of 18, citing section 794.01(2)(a). (Ex. H.) This Motion was denied. (Ex. I.)

On June 16, 1998, Defendant filed a Petition for Writ of Habeas Corpus, arguing again that his review of section 794.011, Florida Statutes, indicated there was no third-degree felony of Attempted Sexual Battery when the alleged victim is over the age of eighteen. He contended the only Attempted Sexual Battery was set forth in section 794.011(2), which was either a capital felony or life felony when the victim is under the age of twelve. (Ex. J.) The Petition was denied. (Ex. K.) Defendant's July 7, 1998 Immediate Emergency Amended Motion to Correct an Illegal Sentence, in which he again raised this argument, was denied. (Exs. L & M.)

On June 11, 2020, Defendant filed a pro se "Emergency Fla. Stat. 3.800(A) to Withdraw Case No. 1995-2844 CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S. 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel." (Ex. N.) On July 30, 2020, Defendant filed a pro se motion styled "Expedited Argument in Support that Fla. Stat. 943.0435 Did Not Exist When Alleged Offense Occurred or Contemplated on December 6, 1995 Violated Due Process and Substantive Due Process Caused Violation of the Ex Post Facto Clause Art. 1, U.S. Const." (Ex. O.) Defendant raised numerous arguments in these motions, including that he was charged with a non-existent offense, that he did not meet the criteria for being required to register as a sexual offender, and that his plea was involuntary due to the failure to inform him of the sex offender registration requirement. Defendant also requested that this Court correct alleged inaccurate information introduced against him in a Georgia court, and demanded immediate release from Georgia custody. However, on August 17, 2020, this Court dismissed in part and denied in part these motions, finding that Defendant's allegations had no merit.<sup>1</sup> (Ex. P.)

On September 14, 2020, Defendant filed a pro se "Expedited Reply and Objection to Judge Not the State Order Dismissing in Part and Denying in Part Motion to Correct Illegal Sentence" and pro se "Expedited Objection to Case History and Construe to Withdraw Properly Under 3.850 or 3.800." (Exs. Q & R.) In an order rendered September 30, 2020, this Court construed these motions to be Motions for Rehearing of the August 17, 2020 Order Dismissing in Part and Denying in Part Motion to Correct Illegal Sentence, Denying Emergency Motion to Compel, Denying Motion to Withdraw Plea, and Denying Motion to Remove Requirement to Register as a Sexual Offender and denied these motions. (Ex. S.) This Court also ordered Defendant to show cause within thirty (30) days from the date of that order why sanctions should not be imposed upon him,

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<sup>1</sup> Defendant also filed a Motion to Compel on June 11, 2020, requesting the Court compel the State Attorney to immediately answer the "Emergency Fla. Stat. 3.800(a) to Withdraw Case No. 1995-2844-CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S. 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel," also filed June 11, 2020. Because the claims raised in that motion did not entitle Defendant to relief, the Motion to Compel was also denied.

including a prohibition on further pro se filings in this Court related to his criminal case number 95-2844-CFMA.

Rather than responding to this Court's order to show cause, Defendant submitted two additional motions entitled "Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims L.T. Court Refuse to File as Part of Appeal Received on Oct 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H" and "Motion for Sixth Amendment Right to Counsel and Appellate Counsel," filed October 19, 2020. (Exs. T & U.) On October 22, 2020, this Court entered an order dismissing these motions and noting that it had entered a show cause order on September 30, 2020. (Ex. V.)

#### Current Motions

On October 27, 2020, Defendant filed his pro se "Objection to Illegal Order Denying Motions for Rehearing and Will Answer Illegal Show Cause." In this filing, Defendant contends that "show cause is not needed in this case," as he believes this Court has violated his due process rights in answering the petitions filed with the Court. Defendant complains that this Court wants to further deny his access to the court, and references the January 30, 1998 order barring him from certain pro se civil filings without paying a filing fee. Defendant alleges numerous claims of ineffective assistance of trial counsel and complains that this Court refused to appoint him counsel to investigate his case fully.<sup>2</sup> Defendant again takes issue with the sexual offender registry requirement, which he claims is an illegal sentence and was used to "enhance" his Georgia convictions. To the extent that Defendant is attempting to raise ineffective assistance of counsel claims more than twenty years after his conviction and sentence became final, these claims are untimely. See Fla. R. Crim. P. 3.850(b); Ward v. Dugger, 508 So. 2d 778 (Fla. 1st DCA 1987). With respect to Defendant's claims that his plea was involuntary, his agreement with the State was breached, and the sexual offender statute was illegally applied to him, these issues were addressed on the merits in this Court's order rendered on August 17, 2020. (Ex. P.) Therefore, this motion is due to be dismissed as untimely, successive, and frivolous. See Fla. R. Crim. P. 3.850(b), (h); Flowers v. State, 278 So. 3d 899, 902 (Fla. 1st DCA 2019).

On November 17, 2020, Defendant filed his pro se "Expedited Objection to Order Dismissing 'Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims

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<sup>2</sup> Defendant does not explain precisely when this Court refused to appoint him counsel when he would have been entitled to such an appointment. Rather, it appears that Defendant believes that postconviction counsel should have been appointed to assist him in investigating claims and drafting a motion to withdraw his plea. However, Defendant would not have been entitled to the assistance of counsel until he filed a timely and meritorious postconviction claim. See Graham v. State, 372 So. 2d 1363, 1365 (Fla. 1979). In his response to this Court's order to show cause, Defendant alleges that "this Court must appoint both counsel to investigate 1995-2844 and withdraw or enforce his contract DNA only not 943.0435," and he asserts that "this would cure [his] filings if counsel was appointed to investigate his case fully and file proper in courts." However, Defendant has not demonstrated a legal entitlement to counsel on this basis.

L.T. Court Refuse to File as Part of Appeal Received on Oct. 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H' and 'Motion for Sixth Amendment Right to Counsel and Appellate Counsel,'" apparently taking issue with this Court's prior order entered on October 22, 2020. In this motion, Defendant again complains that he does not have access to counsel, that he was forced to accept an "outrageous contract plea that has been breached," and continues to reference his Georgia cases, over which this Court has no jurisdiction. Again, these issues were previously addressed in this Court's order rendered on August 17, 2020. (Ex. P.) Therefore, this motion is also due to be dismissed successive and frivolous.

On November 18, 2020, Defendant filed a pro se "Expedited Motion to Submit Newly Discovered Information for Further Chronic Ineffective Counsel Case No. 1995-2844," where he purports to attack his arrest and the charging document in his case based upon "newly discovered information." Defendant states that he is challenging his arrest affidavit and "illegal indictment," because he was charged with sexual battery with the victim being twelve years old and not a twenty-year-old adult. Defendant asserts that he recalls the trial judge commenting upon the victim's age and indicating that she looked like she was twelve. He claims that "the affidavit and indictment" were void because counsel allowed him to enter a plea instead of objecting and moving to dismiss the charges. The instant claim is frivolous, as Defendant has been provided a copy of the charging document, which alleges that the victim was "over the age of twelve years, to-wit: [Victim], 20 years of age." (Ex. A.) Defendant has been informed several times of the crime with which he was charged, and a copy of this Amended Information was attached to this Court's order rendered on August 17, 2020. (Ex. P.) Accordingly, this motion is due to be dismissed as frivolous.

#### **ORDER BARRING DEFENDANT FROM FURTHER PRO SE FILINGS**

Defendant continues to file meritless motions in this Court concerning the instant case, including the validity of the charged offense, the enforcement of his plea agreement, and his requirement to register as a sexual offender. These issues were clearly addressed by this Court in the prior orders attached to the current order. Defendant was already barred from submitting certain pro se motions in an order rendered on January 30, 1998, after this Court noted over 37 various filings. Since that order, Defendant has continued to inundate this Court with more pro se filings. In this Court's August 17, 2020 order, it was explained to Defendant that his complaints regarding the application of section 943.0435, Florida Statutes, and his demands to withdraw his plea based upon a "breach of contract" were meritless. Further, with respect to Defendant's Georgia cases, this Court has already explained to Defendant that he "should seek correction of any incorrect information transmitted by FDLE through that agency," and that this Court does not have "jurisdiction to order the Defendant's release from custody in another jurisdiction." (Ex. P.)

Defendant has previously been warned that any citizen, including a citizen attacking his or her conviction, abuses the right to pro se access by filing repetitious and frivolous pleadings, thereby diminishing the ability of the courts to devote their finite resources to the consideration of



legitimate claims. See State v. Spencer, 751 So.2d 47 (Fla. 1999). In the current order, this Court has listed the numerous motions Defendant has filed in this case challenging his convictions and sentences. Those motions have been found to be without merit and later successive. Defendant has ignored this Court's warnings that he may not continually file successive or frivolous motions.

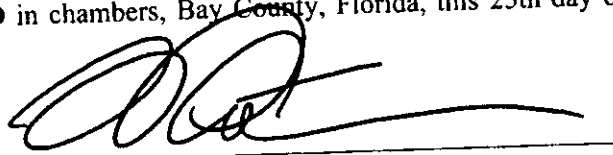
Having been provided notice and an opportunity to respond, Defendant's current response does not provide good cause as to why he should not be barred from submitting any further pro se pleadings in this case. Rather, he demands that this Court appoint him an attorney so that he may continue to file motions in his criminal case. Further, in addition to his response to this Court's show cause order, he has filed two additional motions that raise issues that have either already been decided or are completely frivolous and refuted by the record.

Therefore, it is

**ORDERED AND ADJUDGED** that:

- 1) Defendant's "Objection to Illegal Order Denying Motions for Rehearing and Will Answer Illegal Show Cause," filed October 27, 2020; his "Expedited Objection to Order Dismissing 'Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims L.T. Court Refuse to File as Part of Appeal Received on Oct. 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H' and 'Motion for Sixth Amendment Right to Counsel and Appellate Counsel,'" filed November 17, 2020; and his "Expedited Motion to Submit Newly Discovered Information for Further Chronic Ineffective Counsel Case No. 1995-2844," filed November 18, 2020; are **DISMISSED**.
- 2) Defendant is hereby **BARRED** from filing further pro se filings in case number 95-2844-CFMA.
- 3) The Clerk's Office shall **REFUSE** to accept for filing any further pleadings, motions, petitions, or other papers relating to case number 95-2844-CFMA unless it is filed by a member in good standing of The Florida Bar. Any papers received by the clerk from Defendant should be returned to Defendant with a copy of this order.
- 4) Defendant has thirty (30) days from the rendition of this Order to appeal this decision.

**DONE AND ORDERED** in chambers, Bay County, Florida, this 25th day of January, 2021.

  
**CHRISTOPHER N. PATTERSON**  
CIRCUIT JUDGE


**Attachments:**

- Ex. A – Amended Information, filed June 11, 1996
- Ex. B – Plea, Waiver, and Consent, filed July 29, 1996
- Ex. C – Judgment and Sentence, filed July 29, 1996
- Ex. D – Mandate and Opinion (1D96-3228), issued April 8, 1997
- Ex. E – Order Denying Motion for Gag Order and Order Denying Further Pro Se Civil Filings, filed January 30, 1998
- Ex. F – Motion to Correct Illegal Sentence, filed June 1, 1998
- Ex. G – Order Denying Motion to Correct an Illegal Sentence, filed June 16, 1998
- Ex. H – Motion to Dismiss Information, filed June 9, 1998
- Ex. I – Order Denying Motion to Dismiss Information, filed June 17, 1998
- Ex. J – Petition for Writ of Habeas Corpus, filed June 16, 1998
- Ex. K – Order Denying Petition for Writ of Habeas Corpus, filed June 22, 1998
- Ex. L – Immediate Emergency Amended Motion to Correct an Illegal Sentence, filed July 7, 1998
- Ex. M – Order Denying Immediate Emergency Amended Motion to Correct an Illegal Sentence, filed July 9, 1998
- Ex. N – Emergency Fla. Stat. 3.800(A) to Withdraw Case No. 1995-2844 CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S. 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel, filed June 11, 2020
- Ex. O - Expedited Argument in Support that Fla. Stat. 943.0435 Did Not Exist When Alleged Offense Occurred or Contemplated on December 6, 1995 Violated Due Process and Substantive Due Process Caused Violation of the Ex Post Facto Clause Art. 1, U.S. Const., filed July 30, 2020
- Ex. P – Order Dismissing in Part And Denying in Part Motion to Correct Illegal Sentence, Denying Emergency Motion to Compel, Denying Motion to Withdraw Plea, and Denying Motion to Remove Requirement to Register as a Sexual Offender, filed August 17, 2020
- Ex. Q - Expedited Reply and Objection to Judge Not the State Order Dismissing in Part and Denying in Part Motion to Correct Illegal Sentence, filed September 14, 2020
- Ex. R - Expedited Objection to Case History and Construe to Withdraw Properly Under 3.850 or 3.800, filed September 14, 2020
- Ex. S – Order Denying Motions for Rehearing and Order to Show Cause, filed September 30, 2020
- Ex. T – Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims L.T. Court Refuse to File as Part of Appeal Received on Oct 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H, filed October 19, 2020

**Attachments Continued:**

- Ex. U – Motion for Sixth Amendment Right to Counsel and Appellate Counsel and 7 Extra Days to File Amended Brief to Serve Attorney General, filed October 19, 2020
- Ex. V – Order Dismissing “Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims L.T. Court Refuse to File as Part of Appeal Received on Oct 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H” and “Motion for Sixth Amendment Right to Counsel and Appellate Counsel,” filed October 22, 2020

**I HEREBY CERTIFY** that a true and exact copy of the foregoing has been provided by e-portal, email, U.S. Mail, and/or hand delivery to Defendant, Edward T. Ridley, 570139, Wilcox State Prison, P.O. Box 397, Abbeville, GA 31001; Beverly A. McAllister-Brown, Assistant State Attorney, Beverly.McAllister-Brown@sa14.fl.gov; and the State Attorney’s Office, Attn: Pam Haglund, pam.haglund@sa14.fl.gov, this 25th day of January, 2021.



A handwritten signature in black ink, appearing to read 'Pam Haglund', is written over a horizontal line.

**IN THE CIRCUIT COURT  
FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA  
IN AND FOR BAY COUNTY**

**1ST DCA CASE NOS.: 1D20-1916; 1D20-2730  
L.T. CASE NO.: 95-2844-H**

**COPY**

**STATE OF FLORIDA,**

**Plaintiff,**

**v.**

**EDWARD TYRONE RIDLEY,**

**Defendant.**

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**ORDER DENYING MOTIONS FOR REHEARING AND  
ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court on the Defendant's pro se "Expedited Reply and Objection to Judge Not the State Order Dismissing in Part and Denying in Part Motion to Correct Illegal Sentence" and pro se "Expedited Objection to Case History and Construe to Withdraw Properly Under 3.850 or 3.800," filed September 14, 2020, which the Court construes to be Motions for Rehearing of the August 17, 2020 Order Dismissing in Part and Denying in Part Motion to Correct Illegal Sentence, Denying Emergency Motion to Compel, Denying Motion to Withdraw Plea, and Denying Motion to Remove Requirement to Register as a sexual Offender. Having considered said Motions, court file and records, and being otherwise fully advised, this Court finds that the Defendant's Motions are due to be denied.

**ORDER DIRECTING DEFENDANT TO SHOW CAUSE**

Sanctions are authorized when a petitioner's repetitious or frivolous pleadings require the use of limited judicial resources which are properly used for the consideration of legitimate claims filed by others. *See Pettway v. McNeil*, 987 So. 2d 20 (Fla. 2008); *Sweitzer v. State*, 46 So. 3d 1132 (Fla. 1st DCA 2010); *Schmidt v. State*, 41 So. 3d 427 (Fla. 1st DCA 2010); *Tate v. State*, 32 So. 3d 657, 658 (Fla. 1st DCA 2010). Any citizen, including a citizen attacking his or her conviction, abuses the right to pro se access by filing repetitious and frivolous pleadings, thereby diminishing the ability of the courts to devote their finite resources to the consideration of legitimate claims. *See State v. Spencer*, 751 So. 2d 47, 48 (Fla. 1999).

On January 30, 1998, this Court entered an order taking judicial notice that the Defendant had filed 37 frivolous and meritless petitions, pro se orders and other unauthorized pro se

FILED

2021 JAN 26 A 9 44

IN THE CIRCUIT COURT  
FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA  
IN AND FOR BAY COUNTY

BILL KINSAUL  
CLERK OF COURT  
BAY COUNTY, FLORIDA

CASE NO.: 95-2844-CFMA

STATE OF FLORIDA,

Plaintiff,

v.

EDWARD TYRONE RIDLEY,

Defendant.

---

ORDER DISMISSING DEFENDANT'S "OBJECTION TO ILLEGAL ORDER  
DENYING MOTIONS FOR REHEARING AND WILL ANSWER ILLEGAL SHOW  
CAUSE," "EXPEDITED OBJECTION TO ORDER DISMISSING 'EXPEDITED  
MOTION TO CITE LACKAWANNA V. COSS, GIDEON V. WAINWRIGHT, CUSTIS  
CLAIMS L.T. COURT REFUSE TO FILE AS PART OF APPEAL RECEIVED ON OCT.  
9, 2020 DOCUMENTS FROM L.T. CT. WITHDRAW 1995-2844H' AND 'MOTION FOR  
SIXTH AMENDMENT RIGHT TO COUNSEL AND APPELLATE COUNSEL,'" AND  
"EXPEDITED MOTION TO SUBMIT NEWLY DISCOVERED INFORMATION FOR  
FURTHER CHRONIC INEFFECTIVE COUNSEL CASE NO. 1995-2844," AND ORDER  
BARRING DEFENDANT FROM FURTHER PRO SE FILINGS IN CRIMINAL CASE  
NUMBER 95-2844-CFMA AND DIRECTING THE CLERK TO RETURN ALL FUTURE  
PRO SE FILINGS FROM THIS DEFENDANT

THIS MATTER is before the Court on Defendant's pro se "Objection to Illegal Order Denying Motions for Rehearing and Will Answer Illegal Show Cause," filed October 27, 2020; his "Expedited Objection to Order Dismissing 'Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims L.T. Court Refuse to File as Part of Appeal Received on Oct. 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H' and 'Motion for Sixth Amendment Right to Counsel and Appellate Counsel,'" filed November 17, 2020; and his "Expedited Motion to Submit Newly Discovered Information for Further Chronic Ineffective Counsel Case No. 1995-2844," filed November 18, 2020. Having considered said motions, the court file and records, and being otherwise fully advised, this Court finds as follows:

Procedural History

The Amended Information charged Defendant with Sexual Battery in violation of section 794.011(5), Florida Statutes, as follows:

Edward T. Ridley, on or about the 4th day of December, 1995, in the County and State aforesaid, did unlawfully commit a sexual battery upon a person over the age of twelve (12) years, to-wit: [Victim], 20 years of age, by penetrating her vagina with his finger(s) and/or his penis, without the consent of said victim, and in the process thereof used physical force and violence not likely to cause serious personal injury, in violation of Section 794.011(5), Florida Statutes.

(Ex. A.) On July 29, 1996, Defendant entered a plea of nolo contendere to the charge of Attempted Sexual Battery, a third-degree felony. (Ex. B.) In accordance with the agreed disposition, Defendant was adjudicated guilty of Attempted Sexual Battery in violation of section 794.011, Florida Statutes, a third-degree felony, sentenced to three years in prison with 230 days of jail credit, and ordered to submit blood specimens to the Florida Department of Law Enforcement pursuant to section 943.325, Florida Statutes. (Ex. C.) On direct appeal, the First District Court of Appeal per curiam affirmed the judgment and sentence. (Ex. D.)

From the date of his conviction and sentence through January of 1998, Defendant filed numerous pro se motions, affidavits, and letters. On January 30, 1998, the Court took "judicial notice that the defendant has filed 37 frivolous and meritless petitions, pro se orders and other unauthorized pro se documents since the date of his conviction on July 29, 1996. Further, he has mailed a myriad of correspondence directly to the Court. In response to the multitude of letters, the Court has properly advised the defendant, on numerous occasions, that it could not grant the defendant's requests ex parte." The Court noted that he would "be allowed to file a pro se appeal of judgment of his conviction or an order denying his prospective postconviction relief motion" but ordered the Clerk "to reject for filing any civil petitions and appeals, pro se orders and letters addressed to the Court therefrom unless accompanied by the proper filing fee or submitted and signed by a member of the Florida Bar." (Ex. E.)

On June 1, 1998, Defendant filed a pro se Motion to Correct an Illegal Sentence pursuant to rule 3.800(a), alleging that his sentence was illegal because attempted sexual battery was not an offense under section 794.011. (Ex. F.) In denying relief, the Court noted that the third-degree felony offense of Attempted Sexual Battery is a lesser offense of the second-degree felony of Sexual Battery pursuant to section 794.011(5), Florida Statutes. The Court also determined the record clearly showed that Defendant "was informed that he had violated Fla. Stat. 794.011(5), which is a 2d-degree felony that is punishable up to 15 years imprisonment" but the "state offered defendant a plea for the lesser offense of attempted sexual battery (3d-degree felony), which is punishable up to five years DOC. As a result, defendant accepted the plea and was sentenced to three years DOC." The Court ruled the three-year sentence did not exceed the five-year statutory maximum sentence for a third-degree felony and was not an illegal sentence. (Ex. G.)

On June 9, 1998, Defendant filed a Motion to Dismiss Information in which he argued the facts did not establish a *prima facie* case of guilt to support a conviction of Attempted Sexual Battery under section 794.011 because the alleged victim was over the age of 18, citing section 794.01(2)(a). (Ex. H.) This Motion was denied. (Ex. I.)

On June 16, 1998, Defendant filed a Petition for Writ of Habeas Corpus, arguing again that his review of section 794.011, Florida Statutes, indicated there was no third-degree felony of Attempted Sexual Battery when the alleged victim is over the age of eighteen. He contended the only Attempted Sexual Battery was set forth in section 794.011(2), which was either a capital felony or life felony when the victim is under the age of twelve. (Ex. J.) The Petition was denied. (Ex. K.) Defendant's July 7, 1998 Immediate Emergency Amended Motion to Correct an Illegal Sentence, in which he again raised this argument, was denied. (Exs. L & M.)

On June 11, 2020, Defendant filed a pro se "Emergency Fla. Stat. 3.800(A) to Withdraw Case No. 1995-2844 CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S. 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel." (Ex. N.) On July 30, 2020, Defendant filed a pro se motion styled "Expedited Argument in Support that Fla. Stat. 943.0435 Did Not Exist When Alleged Offense Occurred or Contemplated on December 6, 1995 Violated Due Process and Substantive Due Process Caused Violation of the Ex Post Facto Clause Art. 1, U.S. Const." (Ex. O.) Defendant raised numerous arguments in these motions, including that he was charged with a non-existent offense, that he did not meet the criteria for being required to register as a sexual offender, and that his plea was involuntary due to the failure to inform him of the sex offender registration requirement. Defendant also requested that this Court correct alleged inaccurate information introduced against him in a Georgia court, and demanded immediate release from Georgia custody. However, on August 17, 2020, this Court dismissed in part and denied in part these motions, finding that Defendant's allegations had no merit.<sup>1</sup> (Ex. P.)

On September 14, 2020, Defendant filed a pro se "Expedited Reply and Objection to Judge Not the State Order Dismissing in Part and Denying in Part Motion to Correct Illegal Sentence" and pro se "Expedited Objection to Case History and Construe to Withdraw Properly Under 3.850 or 3.800." (Exs. Q & R.) In an order rendered September 30, 2020, this Court construed these motions to be Motions for Rehearing of the August 17, 2020 Order Dismissing in Part and Denying in Part Motion to Correct Illegal Sentence, Denying Emergency Motion to Compel, Denying Motion to Withdraw Plea, and Denying Motion to Remove Requirement to Register as a Sexual Offender and denied these motions. (Ex. S.) This Court also ordered Defendant to show cause within thirty (30) days from the date of that order why sanctions should not be imposed upon him,

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<sup>1</sup> Defendant also filed a Motion to Compel on June 11, 2020, requesting the Court compel the State Attorney to immediately answer the "Emergency Fla. Stat. 3.800(a) to Withdraw Case No. 1995-2844-CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S. 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel," also filed June 11, 2020. Because the claims raised in that motion did not entitle Defendant to relief, the Motion to Compel was also denied.

including a prohibition on further pro se filings in this Court related to his criminal case number 95-2844-CFMA.

Rather than responding to this Court's order to show cause, Defendant submitted two additional motions entitled "Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims L.T. Court Refuse to File as Part of Appeal Received on Oct 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H" and "Motion for Sixth Amendment Right to Counsel and Appellate Counsel," filed October 19, 2020. (Exs. T & U.) On October 22, 2020, this Court entered an order dismissing these motions and noting that it had entered a show cause order on September 30, 2020. (Ex. V.)

#### Current Motions

On October 27, 2020, Defendant filed his pro se "Objection to Illegal Order Denying Motions for Rehearing and Will Answer Illegal Show Cause." In this filing, Defendant contends that "show cause is not needed in this case," as he believes this Court has violated his due process rights in answering the petitions filed with the Court. Defendant complains that this Court wants to further deny his access to the court, and references the January 30, 1998 order barring him from certain pro se civil filings without paying a filing fee. Defendant alleges numerous claims of ineffective assistance of trial counsel and complains that this Court refused to appoint him counsel to investigate his case fully.<sup>2</sup> Defendant again takes issue with the sexual offender registry requirement, which he claims is an illegal sentence and was used to "enhance" his Georgia convictions. To the extent that Defendant is attempting to raise ineffective assistance of counsel claims more than twenty years after his conviction and sentence became final, these claims are untimely. See Fla. R. Crim. P. 3.850(b); Ward v. Dugger, 508 So. 2d 778 (Fla. 1st DCA 1987). With respect to Defendant's claims that his plea was involuntary, his agreement with the State was breached, and the sexual offender statute was illegally applied to him, these issues were addressed on the merits in this Court's order rendered on August 17, 2020. (Ex. P.) Therefore, this motion is due to be dismissed as untimely, successive, and frivolous. See Fla. R. Crim. P. 3.850(b), (h); Flowers v. State, 278 So. 3d 899, 902 (Fla. 1st DCA 2019).

On November 17, 2020, Defendant filed his pro se "Expedited Objection to Order Dismissing 'Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims

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<sup>2</sup> Defendant does not explain precisely when this Court refused to appoint him counsel when he would have been entitled to such an appointment. Rather, it appears that Defendant believes that postconviction counsel should have been appointed to assist him in investigating claims and drafting a motion to withdraw his plea. However, Defendant would not have been entitled to the assistance of counsel until he filed a timely and meritorious postconviction claim. See Graham v. State, 372 So. 2d 1363, 1365 (Fla. 1979). In his response to this Court's order to show cause, Defendant alleges that "this Court must appoint both counsel to investigate 1995-2844 and withdraw or enforce his contract DNA only not 943.0435," and he asserts that "this would cure [his] filings if counsel was appointed to investigate his case fully and file proper in courts." However, Defendant has not demonstrated a legal entitlement to counsel on this basis.



L.T. Court Refuse to File as Part of Appeal Received on Oct. 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H' and 'Motion for Sixth Amendment Right to Counsel and Appellate Counsel,'" apparently taking issue with this Court's prior order entered on October 22, 2020. In this motion, Defendant again complains that he does not have access to counsel, that he was forced to accept an "outrageous contract plea that has been breached," and continues to reference his Georgia cases, over which this Court has no jurisdiction. Again, these issues were previously addressed in this Court's order rendered on August 17, 2020. (Ex. P.) Therefore, this motion is also due to be dismissed successive and frivolous.

On November 18, 2020, Defendant filed a pro se "Expedited Motion to Submit Newly Discovered Information for Further Chronic Ineffective Counsel Case No. 1995-2844," where he purports to attack his arrest and the charging document in his case based upon "newly discovered information." Defendant states that he is challenging his arrest affidavit and "illegal indictment," because he was charged with sexual battery with the victim being twelve years old and not a twenty-year-old adult. Defendant asserts that he recalls the trial judge commenting upon the victim's age and indicating that she looked like she was twelve. He claims that "the affidavit and indictment" were void because counsel allowed him to enter a plea instead of objecting and moving to dismiss the charges. The instant claim is frivolous, as Defendant has been provided a copy of the charging document, which alleges that the victim was "over the age of twelve years, to-wit: [Victim], 20 years of age." (Ex. A.) Defendant has been informed several times of the crime with which he was charged, and a copy of this Amended Information was attached to this Court's order rendered on August 17, 2020. (Ex. P.) Accordingly, this motion is due to be dismissed as frivolous.

#### **ORDER BARRING DEFENDANT FROM FURTHER PRO SE FILINGS**

Defendant continues to file meritless motions in this Court concerning the instant case, including the validity of the charged offense, the enforcement of his plea agreement, and his requirement to register as a sexual offender. These issues were clearly addressed by this Court in the prior orders attached to the current order. Defendant was already barred from submitting certain pro se motions in an order rendered on January 30, 1998, after this Court noted over 37 various filings. Since that order, Defendant has continued to inundate this Court with more pro se filings. In this Court's August 17, 2020 order, it was explained to Defendant that his complaints regarding the application of section 943.0435, Florida Statutes, and his demands to withdraw his plea based upon a "breach of contract" were meritless. Further, with respect to Defendant's Georgia cases, this Court has already explained to Defendant that he "should seek correction of any incorrect information transmitted by FDLE through that agency," and that this Court does not have "jurisdiction to order the Defendant's release from custody in another jurisdiction." (Ex. P.)

Defendant has previously been warned that any citizen, including a citizen attacking his or her conviction, abuses the right to pro se access by filing repetitious and frivolous pleadings, thereby diminishing the ability of the courts to devote their finite resources to the consideration of

legitimate claims. See State v. Spencer, 751 So.2d 47 (Fla. 1999). In the current order, this Court has listed the numerous motions Defendant has filed in this case challenging his convictions and sentences. Those motions have been found to be without merit and later successive. Defendant has ignored this Court's warnings that he may not continually file successive or frivolous motions.

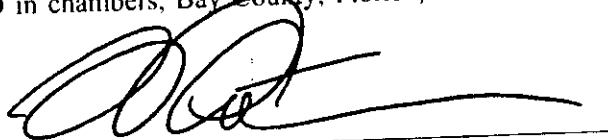
Having been provided notice and an opportunity to respond, Defendant's current response does not provide good cause as to why he should not be barred from submitting any further pro se pleadings in this case. Rather, he demands that this Court appoint him an attorney so that he may continue to file motions in his criminal case. Further, in addition to his response to this Court's show cause order, he has filed two additional motions that raise issues that have either already been decided or are completely frivolous and refuted by the record.

Therefore, it is

**ORDERED AND ADJUDGED that:**

- 1) Defendant's "Objection to Illegal Order Denying Motions for Rehearing and Will Answer Illegal Show Cause," filed October 27, 2020; his "Expedited Objection to Order Dismissing 'Expedited Motion to Cite Lackawanna v. Coss, Gideon v. Wainwright, Custis Claims L.T. Court Refuse to File as Part of Appeal Received on Oct. 9, 2020 Documents from L.T. Ct. Withdraw 1995-2844H' and 'Motion for Sixth Amendment Right to Counsel and Appellate Counsel,'" filed November 17, 2020; and his "Expedited Motion to Submit Newly Discovered Information for Further Chronic Ineffective Counsel Case No. 1995-2844," filed November 18, 2020; are **DISMISSED**.
- 2) Defendant is hereby **BARRED** from filing further pro se filings in case number 95-2844-CFMA.
- 3) The Clerk's Office shall **REFUSE** to accept for filing any further pleadings, motions, petitions, or other papers relating to case number 95-2844-CFMA unless it is filed by a member in good standing of The Florida Bar. Any papers received by the clerk from Defendant should be returned to Defendant with a copy of this order.
- 4) Defendant has thirty (30) days from the rendition of this Order to appeal this decision.

**DONE AND ORDERED** in chambers, Bay County, Florida, this 25th day of January, 2021.

  
**CHRISTOPHER N. PATTERSON**  
**CIRCUIT JUDGE**

FOURTEENTH JUDICIAL CIRCUIT COURT  
BAY COUNTY, FLORIDA

EDWARD T. RIDLEY

V. Petitioner.

CASE NO. 1995-2844

STATE OF FLORIDA,  
CHRISTOPHER PATTERSON et al  
Respondents.

EXPEDITED EMERGENCY 3.800(A) TO SHOW SOMEONE  
(CHANGED) SENTENCING ORDER CASE VOID, NULL

Comes now Edward T. Ridley prose and moves this  
Court to dismiss CASE NO. 1995-2844 as void, null or  
illegal as follows. See Exhibit A

A. ON ATTACHED it clearly shows that someone  
has changed the sentencing order to penetration to comply  
with 294.011(5);

(B) It clearly in transcript was attempted  
penetration that would go under a 4th statute  
for a third degree Contract.

Petitioner moves this court to withdraw his  
Contract (Santobello vs New York) and proceed on to trial and  
dismiss with prejudice. Petitioner prays this court Grant this  
petition. Filed in good faith 2821361746. Respectfully submitted  
This 17th day of February 2021

Mr. Edward T. Ridley S20139  
Mr. Ed Ridley  
Wilcox State Prison  
P.O. Box 390  
Abbeville, GA  
32001

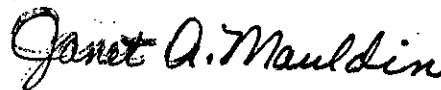
EDWARD T RIDLEY VS ARTIS SINGLETON, WARDEN

☐ Person ☒ Documents

CASE NUMBER 2020-CV-077

TO:

<b>GREETING:</b> <b>YOU ARE HEREBY COMMANDED</b> to appear at the stated court on the date, time and place specified below to testify in the above styled case.	
<b>LOCATION</b> WILCOX STATE PRISON PO Box 397 ABBEVILLE, GA 31001	<b>DATE AND TIME</b> Report at 10:00AM Thursday, February 11, 2021
This subpoena shall remain in effect until you are granted leave by the court, or by an officer acting on behalf of the court.	

This 27 day of January, 2021.

Janet A. Mauldin  
CLERK OF THE SUPERIOR COURT

**Method of Service:**☐ **Subpoena Mailed**

A copy of this subpoena has been mailed to the above stated witness.

☐ **Acknowledgment of Service** TO WITNESS (Please sign and return by mail):

I have this day received this witness subpoena, and waive further service and notice, this the \_\_\_\_

Day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of witness☐ **Certificate of Service**

I have personally served the above stated witness with a copy of the above and foregoing notice,

This the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature and Title of Officer

## Certificate of service

I have this date placed in inmate mailbox  
at Wilcox State Prison for staff to approve first-class  
indigent postage to serve virus mail on

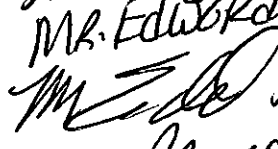
Angela Moody  
Attorney General  
The Capitol,  
PL-061

Christopher Patterson who always  
answers Not State Attorney  
P.O. Box 2237

Danoma City, FL 32402

Tallahassee, FL 32399

Executed this 17th day of February 2021.

Sincerely  
Mr. Edward T. Ridley 570139  
  
Pro se Petitioner

EDWARD T RIDLEY VS ARTIS SINGLETON, WARDEN

☐ Person ☒ Documents

CASE NUMBER 2020-CV-077

TO:

<b>GREETING:</b> YOU ARE HEREBY COMMANDED to appear at the stated court on the date, time and place specified below to testify in the above styled case.	
<b>LOCATION</b> WILCOX STATE PRISON PO Box 397 ABBEVILLE, GA 31001	<b>DATE AND TIME</b> Report at 10:00AM Thursday, February 11, 2021
This subpoena shall remain in effect until you are granted leave by the court, or by an officer acting on behalf of the court.	

This 27 day of January, 2021.Janet A. Mauldin  
CLERK OF THE SUPERIOR COURT**Method of Service:**☐ **Subpoena Mailed**

A copy of this subpoena has been mailed to the above stated witness.

☐ **Acknowledgment of Service** TO WITNESS (Please sign and return by mail):

I have this day received this witness subpoena, and waive further service and notice, this the \_\_\_\_

Day of \_\_\_\_\_

\_\_\_\_\_  
Signature of witness☐ **Certificate of Service**

I have personally served the above stated witness with a copy of the above and foregoing notice,

This the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature and Title of Officer

SUPPLEMENTAL CERTIFICATE OF SERVICE

I, have this date received from 1st DCA on  
February 17, 2021 a order to serve copy of the motion to  
compel opinion on attorney General I did but on a Angela Demsey  
I have this date served on Ashley Moody, A.G. a copy  
handwritten of the motion to compel docketed February  
11, 2021, by placing same in inmate mailbox so that  
staff at Wilcox State Prison can approve indigent  
first class postage to serve on via US mail

Ashley Moody, AG.

The Capital

PL-01

Tallahassee, Fla.

32399-0001

Executed this 14th day of February 2021

Respectfully Resubmitted

Mr. Edward J. Ridley 570139

Mr. Edward J. Ridley

Wilcox State Prison

P.O. Box 397

Abbeville, Ga.

31001

Dca # 96-3228

-55-

000112





IN THE CIRCUIT COURT  
FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA  
IN AND FOR BAY COUNTY

FIRST DCA CASE NO.: 1D20-1916  
L.T. CASE NO.: 95-2844-H

STATE OF FLORIDA,

Plaintiff,

v.

EDWARD TYRONE RIDLEY,

Defendant.

COPY

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**ORDER DISMISSING "DEMAND FOR RESPONSE/LEGAL QUESTION" AND  
"EXPEDITED MOTION IN SUPPORT ERRONEOUSLY ON 943.0435"**

THIS MATTER is before the Court on the Defendant's pro se "Demand for Response/Legal Question," filed August 26, 2020, and pro se "Expedited Motion in Support Erroneously on 943.0435," filed August 27, 2020. These documents, signed and placed with corrections officials for mailing on August 11, 2020 and August 18, 2020 respectively, seek a ruling on motions filed by the Defendant in this Court on June 11 and July 30, 2020, and reiterate arguments made in those motions. Because the Court entered its Order ruling on the Defendant's motions on August 17, 2020, the Demand for Response/Legal Question and the Expedited Motion are due to be dismissed as moot.

Therefore, it is

**ORDERED AND ADJUDGED** that the "Demand for Response/Legal Question," filed August 26, 2020, and the "Expedited Motion in Support Erroneously on 943.0435," filed August 27, 2020, are **DISMISSED**.

*Sept* **DONE AND ORDERED** in chambers, Bay County, Florida, this 10 day of 2020.

  
CHRISTOPHER N. PATTERSON  
CIRCUIT JUDGE

State v. Ridley; 1<sup>st</sup> DCA Case No.: 1D20-1916; L.T. Case No. 95-2844-H  
Order Dismissing "Demand for Response/Legal Question" and  
"Expedited Motion in Support Erroneously on 943.0435"  
Page 2 of 2

**I HEREBY CERTIFY** that a true and exact copy of the foregoing has been provided by e-portal, email, U.S. Mail, and/or hand delivery to Edward T. Ridley, 570139, Wilcox State Prison, P.O. Box 397, Abbeville, GA 31001; the State Attorney's Office, P.O. Box 1040, Panama City, FL 32402; and Hon. Kristina Samuels, Clerk, First District Court of Appeal, 2000 Drayton Drive, Tallahassee, FL 32399-0950, this 10th day of September, 2020.

A handwritten signature in black ink, appearing to read 'A. Williams', is written over a horizontal line.

Amanda Williams, Judicial Assistant

DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

September 16, 2020

CASE NO.: 1D20-1998  
L.T. No.: 2019 CA 2196

Edward Tyrone Ridley

v.

Florida Department of Law  
Enforcement

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Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

The Court's order dated September 16, 2020, is withdrawn as issued in error.

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

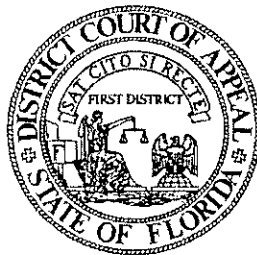
Served:

Elizabeth Yerkes, AGC  
Edward Tyrone Ridley

James Martin, GC

ms

  
KRISTINA SAMUELS, CLERK



DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

September 16, 2020

CASE NO.: 1D20-1998  
L.T. No.: 2019 CA 2196

Edward Tyrone Ridley

v.

Florida Department of Law  
Enforcement

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT: *Withdrawn* *KS*

Appellant has failed to timely file the initial brief and the record on appeal has not been transmitted to this Court by the lower tribunal clerk. Within 20 days from the date of this order, appellant shall file the initial brief, and ensure that the lower tribunal clerk transmits the record on appeal. Alternatively, appellant may show cause why this appeal should not be dismissed for failure to comply with the rules and orders of this Court. The failure to timely comply with this order will result in dismissal of this case without further opportunity to be heard. Fla. R. App. P. 9.410.

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

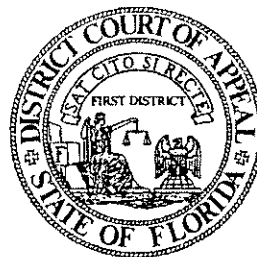
Served:

Elizabeth Yerkes, AGC  
Edward Tyrone Ridley

James Martin, GC

ms

*Kristina Samuels*  
KRISTINA SAMUELS, CLERK



DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

August 26, 2020

CASE NO.: 1D20-1916  
L.T. No.: 1995-2844

Edward T. Ridley

v.

State of Florida

Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Because the trial court has ruled on the pleading pending below, the petition for writ of mandamus is dismissed as moot. See *Ward v. State*, 770 So. 2d 206 (Fla. 1st DCA 2000) (dismissing a petition for writ of mandamus as moot where the trial court had ruled on the pleading pending below). A copy of the trial court's order is attached to Petitioner's copy of this order.

All pending motions are denied as moot.

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

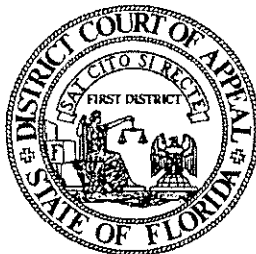
Served:

Hon. Ashley Moody, AG  
Edward Tyrone Ridley

Hon. Bill Kinsaul, Clerk

co

  
KRISTINA SAMUELS, CLERK



DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

August 25, 2020

CASE NO.: 1D20-2016  
L.T. No.: 95-2844-H

Edward Tyrone Ridley

v.

State of Florida

Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Article I, section 16(b)(10)b of the 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 non-capital cases or within five years from the date of appeal in capital 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. This case could not be decided within two years from the date of the first notice of appeal because the postconviction appeal was filed after the two-year time period had already passed. The instant notice of appeal was filed on July 6, 2020, and this Court administratively dismissed the case on August 13, 2020.

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.

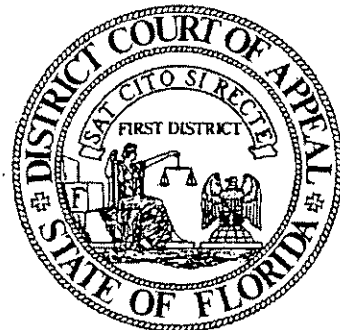
Served:

Hon. Ashley Moody, AG  
Hon. Bill Kinsaul, Clerk

Edward Tyrone Ridley

ms

  
KRISTINA SAMUELS, CLERK



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

EDWARD T. RIDLEY,  
PETITIONER,

✓  
F.D.L.E.

RESPONDENT

CASE NO. 5:42-CV-84-WS-CTK

OPINION IN 2014 U.S. Dist. Cases  
196230

MOTION FOR CASE OPINION

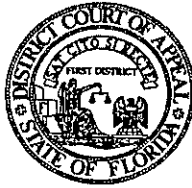
Petitioner above-named moves this Honorable Court pursuant to Fed. R. Civ. P. to demand the Clerk send to the petitioner all opinions in all cases especially 2014 U.S. Dist. Cases 196230 that this Court never provided to him free and by law. Ridley pray this Court issue order that the Clerk immediately forward a photocopy of all opinions in all cases since 2014 to date that he have a right to free first copy.

Filed in good-faith  
Executed this 12th day of August 2020

Respectfully Submitted  
Mr. Edward T. Ridley, 570139  
The [Signature] J. Ridley  
Wilcox State Prison  
P.O. Box 397  
Abbeville, Ga. 31001



Edward T. Ridley  
Wilcox State Prison  
P. O. Box 397  
Abbeville GA 31001  
Date: August 26, 2020  
Case No.: 1D20-1916



DISTRICT COURT OF APPEAL  
FIRST DISTRICT  
STATE OF FLORIDA  
TALLAHASSEE, FLORIDA 32399-0950  
(850) 488-6151

KRISTINA SAMUELS  
CLERK OF THE COURT

DANA SHARMAN  
CHIEF DEPUTY CLERK

In response to the documents you sent this Office, which were received on August 24, 2020, please see paragraph(s) marked below.

- ☐ There appears to be no appeal pending in this Court similar to the style you reference.
- ☐ The matter you have submitted does not invoke this Court's jurisdiction.
- ☒ The documents received are not in the proper format for the Court to consider. We do not know what your intended purpose was in sending 2 copies of an order issued by this Court on August 4, 2020. As a result, no action will be taken in response to receipt of those copies. If you wish to ask this Court for action or relief, the request needs to be in the form of a motion styled with "First District Court of Appeal" at the top and include a certificate of service showing a copy has been served on opposing counsel.
- ☐ There will be no action on the document dated/entitled \_\_\_\_\_ in that it does not contain a proper certificate of service showing a copy has been served on opposing counsel. Only documents properly styled in this Court and served on opposing counsel will be considered by the Court. This Court does not provide service of documents for litigants. You must serve a copy of your documents on opposing counsel yourself.

**Examples of a certificate of service:**

By Attorney or Pro Se (Non-Inmate Litigant)

I certify that a copy hereof has been furnished to  
(opposing counsel names) by (delivery/mail) on (date).  
\_\_\_\_\_ (signature)

(name)  
(address)  
(phone number)  
Florida Bar No. \_\_\_\_\_ (Omit if Pro Se)

By Pro Se Inmate:

I certify that I placed this document in the hands of  
(insert name of institutional official) for mailing to  
(opposing counsel names) on (date).  
\_\_\_\_\_ (signature)

(name)  
(address)  
(prison identification number)

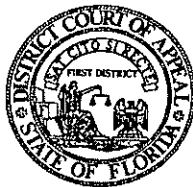
- ☐ You should review the administrative rules of the institution where you are housed. If you find the administrative rules have not been complied with or if you believe you are not receiving the proper assistance in complying with this Court's orders, you would need to follow the grievance procedure of your confinement facility.
- ☐ All parties, whether represented by counsel or not, are required to comply with the Florida Rules of Appellate Procedure. The rules can be found in law libraries and are accessed online at: <https://www-media.floridabar.org/uploads/2019/11/Appellate-Court-Rules-01-01-19-Updated-11-26-19.pdf> This Court cannot provide copies of the rules or forms.
- ☐ I am not authorized to give legal advice. It is suggested that you contact your attorney, counsel of your choosing, the attorney who represented you below, a law clerk at the institution where you are housed, or a legal aid organization. If you have access to the internet, you may also want to refer to the Appellate Practice Section of The Florida Bar's Pro Se Handbook available online at <http://prose.flabarappellate.org>.

Sincerely,

Kristina Samuels  
Clerk of the Court

☒ cc: Hon. Ashley Moody, A.G.

Mr. Edward Tyrone Ridley  
570139  
Wilcox State Prison  
P. O. Box 397  
Abbeville, Georgia 31001  
Date: August 27, 2020  
Case No.: 1D20-2016



DISTRICT COURT OF APPEAL  
FIRST DISTRICT  
STATE OF FLORIDA  
TALLAHASSEE, FLORIDA 32399-0950  
(850) 488-6151

KRISTINA SAMUELS  
CLERK OF THE COURT

DANA SHARMAN  
CHIEF DEPUTY CLERK

In response to your recent filing entitled "Objection to Court Order" and received August 21, 2020, please see paragraph(s) marked below.

— There will be no action on the document dated/entitled \_\_\_\_\_ in that it does not contain a proper certificate of service showing a copy has been served on opposing counsel. Only documents properly styled in this Court and served on opposing counsel will be considered by the Court. This Court does not provide service of documents for litigants. You must serve a copy of your documents on opposing counsel yourself.

**Examples of a certificate of service:**

By Attorney or Pro Se (Non-Inmate Litigant)

I certify that a copy hereof has been furnished to  
(opposing counsel names) by (delivery/mail) on (date).  
\_\_\_\_\_ (signature)  
(name)  
(address)  
(phone number)  
Florida Bar No. \_\_\_\_\_ (Omit if Pro Se)

By Pro Se Inmate:

I certify that I placed this document in the hands of  
(insert name of institutional official) for mailing to  
(opposing counsel names) on (date).  
\_\_\_\_\_ (signature)  
(name)  
(address)  
(prison identification number)

X Your case was dismissed by the Court's order of August 13, 2020, for your failure to respond to the Court's order of July 7, 2020, requiring you to file a conformed copy of the order being appealed. If it is your intention to request the Court to reinstate your case, you must file a properly styled motion containing a certificate of service and attach to your motion a conformed copy of the order being appealed.

Sincerely,

Kristina Samuels  
Clerk of the Court

mm

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

EDWARD T. RIDLEY,  
Defendant,

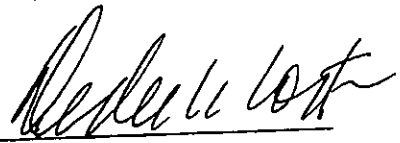
Case No. 95-2844

ORDER DENYING MOTION TO DISMISS INFORMATION

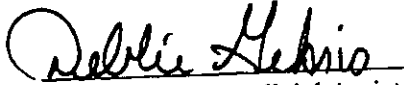
HAVING considered the Defendant's Motion To Dismiss Information filed on June 9, 1998,  
court file/records and being fully advised it is,

ORDERED AND ADJUDGED that the Defendant's motion is hereby DENIED.

DONE AND ORDERED in Chambers at Panama City, Bay County, Florida this 17 day  
of June, 1998.

  
DEDEE S. COSTELLO  
CIRCUIT JUDGE

I HEREBY CERTIFY that a true and exact copy of the foregoing has been provided by U.S. Mail  
to Edward T. Ridley, DC #958659, Taylor Correctional Institution, G3-2020, P.O. Box 1728, Perry,  
FL 32348 this 17 day of June, 1998.

  
Debbie Gehris, Judicial Assist.

POSTED

SEPTEMBER 09, 2019	EMERGENCY PETITION FOR PERMANENT RELEASE FROM THE REGISTRATION REQUIREMENTS OF FLORIDA STATUTUE (SIC) 800.01(5)	011 - 025
SEPTEMBER 19, 2019	ORDER DEEMING PETITION ONE FOR NON-HABEAS CORPUS EXTRAORDINARY RELIEF	026 - 027
OCTOBER 07, 2019	OBJECTION IN THE ORDER	028 - 030
OCTOBER 07, 2019	NOTICE OF FILING ERRORS	031 - 038
OCTOBER 15, 2019	AFFIDAVIT FOR CIVIL INDIGENT STATUS - INDIGENT-PRISONER	039 - 045
OCTOBER 15, 2019	FACTS OF CASE	046 - 047
OCTOBER 15, 2019	ERRORS NEWLY DISCOVERED	048 - 052
OCTOBER 15, 2019	PETITION TO CHALLENGE RETROACTIVE RESTRATION BY FLORIDA LEGISLATURE	053 - 055
OCTOBER 15, 2019	MOTION FOR APPOINTMENT OF COUNSEL	056
OCTOBER 23, 2019	ERRORS/ARGUMENT	057 - 062
OCTOBER 23, 2019	ERRORS	063 - 065
NOVEMBER 04, 2019	APPLICATION FOR DETERMINATION OF CIVIL INDIGENT STATUS ( WITH 3 MONTHS TRUST ACCOUNT PREVIOUSLY DETERMIEND INDIGENCY ON 10/15/19 )	066 - 070
NOVEMBER 04, 2019	EXPIDITED EMERGENCY PETITION TO ENFORCE CONTRACT NO. 95-2844, BAY COUNTY OR WITHDRAW CONTRACT	071 - 076
NOVEMBER 15, 2019	ORDER DENYING	077
NOVEMBER 15, 2019	EMERGENCY MOTION TO ENFORCE HIS JULY 29, 1996 PLEA CONTRACT BAY COUNTY FLORIDA CASE NO 95-2844	078 - 079
NOVEMBER 19, 2019	EMERGENCY EXPEDITED PETITION AMENDED PETITION TO BE RELEASED FROM FLORIDA STATUTES 943.0435 (H) (1)	080 - 083
NOVEMBER 19, 2019	EMERGENCY EXPEDITED MOTION TO AMEND	084 - 085

RESPONDENTS

NOVEMBER 27, 2019	EMERGENCY OBJECTION TO ORDER DENYING MOTION	086 - 087
NOVEMBER 27, 2019	NOTICE OF DISCRETIONARY APPEAL TO DISTRICT COURT - RECORDED (OR 5387.767 / 20190073647)	088 - 089
DECEMBER 09, 2019	ORDER DENYING REHEARING	090
DECEMBER 09, 2019	OBJECTION	091 - 094
DECEMBER 09, 2019	DISMISS SOME ERRORS	095 - 096
JANUARY 02, 2020	ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL	097 - 098
JANUARY 02, 2020	ORDER DISMISSING SHERIFF NIEL AND ORDERING FDLE TO SHOW CAUSE	099 - 100
JANUARY 06, 2020	EMERGENCY EXPEDITED MOTION TO ENFORCE CONTRACT ILLEGAL, AND DENTAL OF ACCESS TO THE COURT AND OUR CONSTITUTION	101 - 107
JANUARY 21, 2020	AFFIDAVIT FOR CIVIL INDIGENT STATUS - INDIGENT-PRISONER	108 - 112
JANUARY 29, 2020	ORDER ON PRISONERS APPEAL SERVICE CHARGES	113
FEBRUARY 04, 2020	MOTION TO FUTHER SHOW F.S. 943. 0435 (1) H1, 794.011. 800.04 FOR CRIMES AGAINST MINORS	114 - 116
FEBRUARY 06, 2020	FDLE'S RESPONSE TO ORDER TO SHOW CAUSE	117 - 124
FEBRUARY 07, 2020	EXPEDITED MOTION TO FUTHER SHOW SORNA AND FLORIDA SEX OFFENDER REGISTRY IS LIMITED TO MINORS WITH ADULT EXCEPTIONS	125 - 128
FEBRUARY 07, 2020	EXPEDITED MOTION TO SUBMIT NEWLY DISCOVERED FLORIDA STATUTES DEFINITION	129 - 131
FEBRUARY 13, 2020	RELIEF	132 - 135
FEBRUARY 13, 2020	OBJECTION IN FULL TO FDLES RESPONSE TO ORDER TO SHOW CUASE RECEIVED 2/12/20	136 - 148
MARCH 02, 2020	ORDER ADMINISTRATIVELY CLOSING FILE	149 - 150
MARCH 20, 2020	EXPEDITED MOTION TO STRIKE ANY PROCEEDING	151 - 154

JUNE 16, 2020	ORDER DENYING PLAINTIFF'S MOTION AND DIRECTING CLERK TO CLOSE CASE	197 - 198
JUNE 23, 2020	OBJECTION TO ORDER DISMISSING IN PART AND DENYING IN PART THE PETITIN FOR WRIT OF MANDAMUS AND TO GRAINT THE REMOVAL OF F.S. 943.0435 PURSUANT TO 943.04354	199 - 204
JUNE 24, 2020	ORDER DENYING REHEARING	205 - 206
JULY 06, 2020	NOTICE OF INTERLOCUTORY APPEAL - Recorded (OR 5463.1903 / 20200038480)	207 - 214
AUGUST 03, 2020	EXPEDITED ARGUMENT IN SUPPORT THAT FLA. STAT 943.04355 IDI NOT EXIST, CONTEMPLATED, IN EFFECT WHEN THE ALLEGED OFFENSE OCCURRED ON DECEMBER 6, 1995	215 - 218
AUGUST 03, 2020	PAUPPERS AFFIDAVIT	219 - 221
AUGUST 03, 2020	AFFIDAVIT OF INDIGENCY (WITH INCOMPLETE INMATE TRUST ACCOUNT)	222 - 225
AUGUST 19, 2020	AFFIDAVIT FOR CIVIL INDIGENT STATUS - INDIGENT-PRISONER	226 - 232
AUGUST 24, 2020	CERTIFICATE OF CLERK	233



**IN THE CIRCUIT COURT  
FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA  
IN AND FOR BAY COUNTY**

**1ST DCA CASE NOS.: 1D20-1916; 1D20-2730  
L.T. CASE NO.: 95-2844-H**

**STATE OF FLORIDA,**

**Plaintiff,**

**v.**

**EDWARD TYRONE RIDLEY,**

**Defendant.**

---

**ORDER DENYING MOTIONS FOR REHEARING AND  
ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court on the Defendant's pro se "Expedited Reply and Objection to Judge Not the State Order Dismissing in Part and Denying in Part Motion to Correct Illegal Sentence" and pro se "Expedited Objection to Case History and Construe to Withdraw Properly Under 3.850 or 3.800," filed September 14, 2020, which the Court construes to be Motions for Rehearing of the August 17, 2020 Order Dismissing in Part and Denying in Part Motion to Correct Illegal Sentence, Denying Emergency Motion to Compel, Denying Motion to Withdraw Plea, and Denying Motion to Remove Requirement to Register as a sexual Offender. Having considered said Motions, court file and records, and being otherwise fully advised, this Court finds that the Defendant's Motions are due to be denied.

**ORDER DIRECTING DEFENDANT TO SHOW CAUSE**

Sanctions are authorized when a petitioner's repetitious or frivolous pleadings require the use of limited judicial resources which are properly used for the consideration of legitimate claims filed by others. *See Pettway v. McNeil*, 987 So. 2d 20 (Fla. 2008); *Sweitzer v. State*, 46 So. 3d 1132 (Fla. 1st DCA 2010); *Schmidt v. State*, 41 So. 3d 427 (Fla. 1st DCA 2010); *Tate v. State*, 32 So. 3d 657, 658 (Fla. 1st DCA 2010). Any citizen, including a citizen attacking his or her conviction, abuses the right to pro se access by filing repetitious and frivolous pleadings, thereby diminishing the ability of the courts to devote their finite resources to the consideration of legitimate claims. *See State v. spencer*, 751 So. 2d 47, 48 (Fla. 1999).

On January 30, 1998, this Court entered an order taking judicial notice that the Defendant had filed 37 frivolous and meritless petitions, pro se orders and other unauthorized pro se

State v. Ridley; 1<sup>st</sup> DCA Case Nos.: 1D20-1916 and 1D20-2730;  
L.T. Case No. 95-2844-H  
Order Denying Motions for Rehearing and  
Order to Show Cause  
Page 2 of 3

documents since the date of his conviction on July 29, 1996 (in addition to mailing a "myriad of correspondence directly to the Court"). The Court noted the Defendant was "pro se and will be allowed to file a pro se appeal of judgment of his conviction or an order denying his prospective postconviction relief motion" but ordered the Clerk of this Court "to reject for filing any civil petitions and appeals, pro se orders and letters addressed to the Court therefrom unless accompanied by the proper filing fee or submitted and signed by a member of the Florida Bar."

Since January 30, 1998, the Defendant has filed numerous additional pro se motions (including multiple motions to correct an illegal sentence, to dismiss the Information, to withdraw his plea, and to be removed from sexual offender registry), a Petition for Writ of Habeas Corpus, a Motion for Post Conviction Relief, and a Petition for Temporary Restraining Order. The Court records reflect that Defendant has also filed five appeals or petitions in the First District Court of Appeal related to Bay County Case No. 95-2844-CF (1D96-3228; 1D15-280; 1D20-2016; D20-1916; 1D20-2730). These cases and the court file reveal a history of filing meritless and successive motions.

Accordingly, pursuant to *Spencer*, 751 So. 2d at 48, Defendant shall show cause within thirty (30) days of the date of this Order why sanctions should not be imposed on him, including a prohibition on further pro se filings in this Court related to Bay County Case Number 95-2844-CF. This Court retains jurisdiction to address the imposition of sanctions.

Therefore, it is

**ORDERED AND ADJUDGED** as follows:

1. The Motions for Rehearing filed September 14, 2020, are **DENIED**; and
2. The Defendant shall **SHOW CAUSE** within thirty (30) days from the date of this Order why sanctions should not be imposed on him. This Court retains jurisdiction to address the imposition of sanctions.

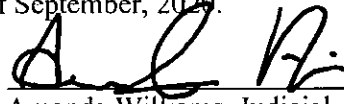
**DONE AND ORDERED** in chambers, Bay County, Florida, this 29 day of Sept 2020.

  
CHRISTOPHER N. PATTERSON  
CIRCUIT JUDGE



State v. Ridley; 1<sup>st</sup> DCA Case Nos.: 1D20-1916 and 1D20-2730;  
L.T. Case No. 95-2844-H  
Order Denying Motions for Rehearing and  
Order to Show Cause  
Page 3 of 3

**I HEREBY CERTIFY** that a true and exact copy of the foregoing has been provided by e-portal, email, U.S. Mail, and/or hand delivery to Edward T. Ridley, 570139, Wilcox State Prison, P.O. Box 397, Abbeville, GA 31001; the State Attorney's Office, P.O. Box 1040, Panama City, FL 32402; and Hon. Kristina Samuels, Clerk, First District Court of Appeal, 2000 Drayton Drive, Tallahassee, FL 32399-0950, this 30th day of September, 2020.

A handwritten signature in black ink, appearing to read 'A. Williams', is written over a horizontal line.

Amanda Williams, Judicial Assistant

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

Case No. 95-2844

EDWARD TYRONE RIDLEY,  
Defendant,

---

ORDER DENYING MOTION TO CORRECT AN ILLEGAL SENTENCE

HAVING considered the Defendant' pro se Motion To Correct An Illegal Sentence, pursuant to Rule 3.800(a), Fla.R.Crim.P., filed on June 1, 1998, court file/record and being fully advised, the Court hereby finds:

1. Defendant alleges that his is sentence is illegal based on the following, 1) attempted sexual battery is not an offense under section 794.011, Fla.Stat.; 2) Judge Allen Register was not familiar with his, "which [Judge] Dedee Costello . . . was the presiding judge but was absent on jury selection day for unknown reasons which caused prejudice in [his] case which if [Judge Costello] was present the outcome probably would have been different . . ."; and 3) ASA Barbara Finch was "not the assigned state attorney (sic) to [his] case and she was not familiar with [his] case . . . [ASA] Johnathan Dingus (sic) was the presiding state attorney (sic) which he knew there is no such statute as 794.011 attempted sexual battery . . ."

2. First, issues #2 and #3 are not proper for a rule 3.800(a) motion therefore, they are dismissed.


3. Next, the Court takes judicial notice that the offense of attempted sexual battery (3d-degree felony) is a lesser offense of sexual battery (2d-degree felony), pursuant to Fla.Stat. 794.011(5). The record clearly shows that the defendant was informed that he had violated Fla.Stat.

**POSTED**

794.011(5), which is a 2d-degree felony that is punishable up to 15 years imprisonment. (See attached Plea and Sentencing Hearing Transcript, pg. 12, filed 8/26/96). However, the state offered defendant a plea for the lesser offense of attempted sexual battery (3d-degree felony), which is punishable up to five years DOC. As a result, defendant accepted the plea and was sentenced to three years DOC. In Davis v. State, 661 So.2d 1193 (Fla. 1995), our supreme court held that an illegal sentence is one that exceeds the maximum period set forth by law for a particular offense without regards to the guidelines. Defendant's three-year sentence does not exceed the five-year period set forth by law for a 3d-degree felony. It is therefore,

**ORDERED AND ADJUDGED** that the Defendant's motion is summarily **DENIED**.

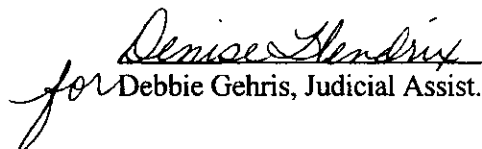
**DONE AND ORDERED** in Chambers at Panama City, Bay County, Florida this 8  
day of June, 1998.

  
**DEDEE S. COSTELLO**  
**CIRCUIT JUDGE**

**Attachment:**

Plea and Sentencing Hearing Transcript, pg. 12, filed on 8/26/96

**I HEREBY CERTIFY** that a true and exact copy of the foregoing has been provided by U.S. Mail to Edward Tyrone Ridley, DC #958659, Taylor Correctional Institution, P.O. Box 1728, Perry, FL 32348 and Jonathan Dingus, ASA, P.O. Box 1040, Panama City, FL 32402 this 9 day of June, 1998.

  
for **Debbie Gehris, Judicial Assist.**

IN THE CIRCUIT COURT, FOURTEENTH  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA, IN AND FOR BAY COUNTY

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: 95-2844

EDWARD TYRONE RIDLEY,

Defendant.

**RECEIVED**

**SEP 11 1996**

**PUBLIC DEFENDER  
2nd JUDICIAL CIRCUIT**

\* \* \*

The following pages constitute the PLEA AND SENTENCING  
on the 29th day of July, 1996, in the above-styled cause, heard before  
the Honorable Allen L. Register, Acting Circuit Judge, at the Bay  
County Courthouse, Panama City, Florida. Taken before Rebecca Ann  
Akins, a Judicial Court Reporter in and for the State of Florida at  
Large.

\* \* \*

**REBECCA ANN AKINS  
JUDICIAL COURT REPORTER**

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rights that Mr. Dingus has gone over with you?

**THE DEFENDANT:** No, sir.

**THE COURT:** Have you had enough time to talk with your attorney about this plea?

**THE DEFENDANT:** Yes, sir.

**THE COURT:** Are you satisfied with the advice and services that he's given to you?

**THE DEFENDANT:** Yes.

**THE COURT:** Okay. I will---

**MR. DINGUS:** Would you like a factual basis, Judge?

**THE COURT:** Yes, please. We need a factual basis.

**MR. DINGUS:** On or about the 4th day of December, 1995, in Bay County, Florida, Edward T. Ridley did unlawfully attempt to commit a sexual battery upon a person over the age of twelve years, Shannon Pope, who's twenty years of age, by attempting to penetrate her vagina with his fingers and/or penis, without the consent of Shannon Pope, in violation of Florida Statute 794.011, sub (5), Florida Statutes.

**THE COURT:** All right. Mr. Griffith, those are the facts upon which this plea of no contest is based?

**MR. GRIFFITH:** We will stipulate to those facts for the purpose of this plea only.

**THE COURT:** I will accept Mr. Ridley's plea of no contest, find that he's alert and intelligent, and he understands the nature and the consequences of his plea, and that he understands the rights he'll be giving up by entering this plea. I also find that the facts



# EXHIBIT H

IN THE FOURTEENTH JUDICIAL CIRCUIT COURT  
IN AND FOR BAY COUNTY FLORIDA

EDWARD T. RIDLEY,  
Petitioner.

VS.

95-2844-H-Div.

STATE OF FLORIDA,  
Respondent,

---

MOTION TO DISMISS INFORMATION

COMES NOW Petitioner Edward T. Ridley  
pro se' pursuant to F.A. R. Crim. P. 3.190(B)(4)  
AND MOVES this Court to Dismiss Information  
AND Grounds AS follow:

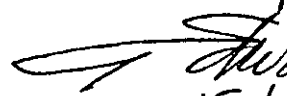
1) There are no material disputed facts and the undisputed facts do not establish a prima facie cause of guilt against the Defendant / Petitioner to support a conviction under F.S. 794.011 Attempted Sexual Battery where the alleged victim is over the age of 18. see F.S. 794.011(2)(A)(B)(8)(A) which is no. F.S. to support a conviction in this case per F.S. and the age of the alleged victim, or 794.011 (A)-(J) (1995-1997)

**POSTED**

CS

WHEREFORE Petitioner has clearly shown why Information need to be Dismissed. Petitioner PRAY this Honorable Court Grant Petition in its entirety. Petitioner has a liberty interest at Stake.

Executed this 8th day of June 1998,

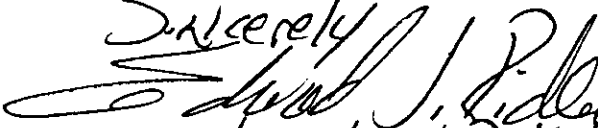
Respectfully Submitted  
 Edward T. Ridley 958659  
Taylor C.I.  
63-202-Upper  
P.O. Box 1728  
Perry, Fla. 32368



Proof of service

I Edward T. Ridley under perjury declare  
I mailed a handwritten copy of the foregoing  
motion to dismiss information via U.S. MAIL  
postage prepaid to Jim Appleman, State Attorney,  
910 Harrison Avenue, Panama City, Fl. 32402

Executed this 8th day of June 1998

Sincerely,  
  
Edward T. Ridley 958659  
~~Pro~~ Pro se Affiant

DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

February 16, 2021

CASE NO.: 1D21-0475  
L.T. No.: 1995-2844

Edward T. Ridley

v.

State of Florida

Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Upon the Court's own motion, the appellant is directed to file within 10 days from the date of this order conformed copies of the order(s) of the lower tribunal from which the appeal is being taken, together with any order entered on a timely motion postponing rendition of the order(s) appealed. The appellant shall also file a copy of the motion that postpones rendition. The copy of the motion shall include the original dated certificate of service. The conformed copies shall be filed by the appellant with a notice of filing which contains a certificate of service reflecting service on all counsel or parties in the case. Florida Rule of Appellate Procedure 9.420(c). The failure of appellant to timely comply with this order could result in the imposition of sanctions, including dismissal of the appeal/petition without further opportunity to be heard. Florida Rule of Appellate Procedure 9.410.

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

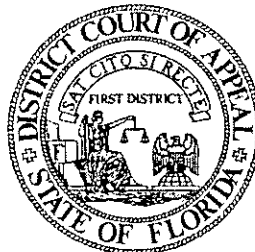
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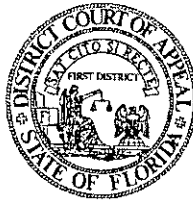
Hon. Ashley Moody, AG  
Hon. Bill Kinsaul, Clerk

Edward Tyrone Ridley

mh

  
KRISTINA SAMUELS, CLERK





DISTRICT COURT OF APPEAL  
FIRST DISTRICT  
STATE OF FLORIDA  
2000 DRAYTON DRIVE  
TALLAHASSEE, FLORIDA 32399-0950  
(850) 488-6151  
[WWW.1DCA.ORG](http://WWW.1DCA.ORG)

KRISTINA SAMUELS  
CLERK OF COURT

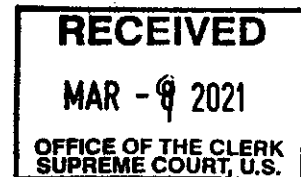
DANA SHARMAN  
CHIEF DEPUTY CLERK

February 16, 2021

**Acknowledgment of New Case**

RE: Edward T. Ridley v.  
State of Florida

**CASE NUMBER: 1D21-0475**  
Lower Tribunal Case Number: 1995-2844



The First District Court of Appeal has received the Notice of Appeal from the lower tribunal reflecting a filing date of February 15, 2021.

In the future, all documents filed in this case must contain this Court's case number.

Per Administrative Orders 10-1 and 19-1, Appellant must file a Docketing Statement/Notice of Appearance of Counsel ("Docketing Statement") within 20 days of the date of this acknowledgment notice. If pro se, Appellant may file a paper Docketing Statement by mail or an electronic Docketing Statement via the Florida Court's E-Filing Portal. If represented, Appellant's attorney must file the Docketing Statement via the Portal. A fillable form version of the Docketing Statement is available via a link on the "Documents" tab of the Portal or on this Court's website at <https://www.1dca.org/Resources/General-Information>. Opposing parties must file a Docketing Statement only if they seek to make amendments, corrections, or additions to Appellant's Docketing Statement.

mh

Served: Hon. Ashley Moody, AG  
Hon. Bill Kinsaul, Clerk

Edward Tyrone Ridley

**DISTRICT COURT OF APPEAL, FIRST DISTRICT  
STATE OF FLORIDA**

**NOTICE TO ATTORNEYS AND PARTIES  
(Revised October 22, 2020)**

Counsel and Parties are expected to be familiar with and comply with the Florida Rules of Appellate Procedure and these guidelines. This notice is not intended to and does not provide parties with separately enforceable rights.

The court's docket is available on-line at the court's website ([www.1dca.org](http://www.1dca.org)) which is updated at the close of each business day. The website also includes an archive of court opinions and oral argument videos, a live oral argument video feed, the court's oral argument calendar, administrative orders, the court's Internal Operating Procedures, and other useful information. Ex parte communication with judges or their staffs is prohibited. Any questions about the status of a case should be directed to the Clerk's office, and clients should direct such inquiries to their attorneys.

Electronic filings and payments should be made through the Florida Courts E-Filing Portal at <https://myflcourtaccess.com>. Go to the Florida Courts E-Filing Portal's website to register. All attorneys are required to register with and file their documents electronically through the Florida Courts E-Filing Portal at <https://myflcourtaccess.com>. Pro se litigants may, but are not required to, register with the E-Filing Portal. Upon registering, all attorneys and registered users must file all documents through the E-Filing Portal; paper filings by attorneys and registered users are not authorized. The court does not accept filings by fax.

This court's electronic system, eDCA, will remain as the court's method for electronic service of outgoing filings and provide electronic case access. See the court's website at [www.1dca.org](http://www.1dca.org) to register with eDCA and for more information on the court's electronic system. Registration through eDCA is required to receive service of the court's outgoing electronic notifications via email (known as "Casemail") which informs eDCA users when electronic documents are uploaded in any case to which the user is a party, attorney of record, or additional party. The email will contain a link to the electronic document. Registered eDCA users will not be mailed paper copies of documents from the court. Electronic copies of briefs are available to attorneys registered in eDCA even though the attorney is not listed with the court as attorney of record on that case. However, briefs in confidential cases are not available except to the attorneys and parties of record for that case. Not all briefs are available electronically, especially briefs in older cases.

Other than with payment of filing fees, the court directs that attorneys, parties, and lower tribunals should not include with filings a "transmittal letter" which serves no other purpose but to inform the court of what document(s) is being filed. The filing itself should be clearly marked identifying what the document is (brief, record, motion, etc.) and the case in which it is to be filed.

**1. NOTICE OF APPEAL**

The notice of appeal should include the full name of the lower tribunal judge or hearing officer who entered the order(s) and the date of rendition of the order(s) sought to be reviewed. See Fla. R. App. P. 9.020(e) or 9.180(b)(4). The notice should also contain the names of all parties to the appeal, whether the appeal is from a final or non-final order, and the exact nature of the order being appealed. For each attorney listed, the certificate of service for the notice of appeal should include the attorney's

address (mailing and email), the name of the party the attorney represents, and whether the party represented is an appellant, appellee, etc. See Fla. R. App. P. 9.110(d), 9.130(c), 9.180(b)(4), and 9.420(d). See #8 below. Notices of appeal are to be filed with the lower tribunal.

## **2. COPY OF ORDER BEING APPEALED**

The party filing the notice of appeal shall attach to the notice a copy of the order(s) that the party wants reviewed. The party filing the appeal shall also attach a copy of any motion that affects the date of rendition of the order appealed and any order entered on any motion that affects the date of rendition. See Fla. R. App. P. 9.020(i), 9.110(d) and 9.130(c).

## **3. DOCKETING STATEMENTS**

All parties are requested to complete a Docketing Statement to the best of their ability, serve a copy on the opposing party/attorneys, and return a copy to the court. Pro se filers may complete the pink paper Docketing Statement provided by the court. Attorneys and registered users are required to file the docketing statement through the E-Filing Portal. A fillable Docketing Statement will be available on the E-Filing Portal and on this court's website.

## **4. NUMBER OF COPIES**

If a document is filed in paper, only the original is required to be filed with the court. If a document is filed electronically through the E-Filing Portal by a registered user, no paper copies are permitted.

## **5. COPIES OF RECORDS**

The Clerk's office is required by statute to charge \$1.00 per page to make copies of case records. Additional fees may apply for other services, such as certification. Registered attorneys and parties may be able to find copies of records in their cases on eDCA. Copies of records available on eDCA may be downloaded by a registered user without charge. Confidential records may not be available.

## **6. SUPPLEMENTATION OF RECORDS**

Supplemental records in appeals must be provided by the clerks of the lower tribunal after approval of a motion filed in this court. Absent special circumstances, records in these appeals may not be supplemented by attachments to motions or briefs.

## **7. MOTIONS**

Any request for action or relief from this court should be set forth in the form of a motion styled with "First District Court of Appeal," the case name, this court's case number, and the lower tribunal number. See Fla. R. App. P. 9.300. As well, all motions must contain a proper certificate of service showing that copies of the motion have been served on the opposing counsel/parties. See #8 below. If the record has not yet been filed with this court, record material supporting a motion should be included in an appendix to the motion. See #12 below. Motions for extension of time must include the number of days requested and a date certain when the brief will be filed. Motions for extension of time, motions relating to preparation of the record or briefs, and motions to reschedule oral argument must contain a certificate that opposing counsel has been consulted and state whether there is an objection to the motion.

### **a. Extensions of Time for Filing Briefs**

Effective February 21, 2019, pursuant to Administrative Order 19-2, an agreed notice of extension of time will be accepted in **civil** appeals for up to a total of 90 days for initial and answer briefs and up to a total of 15 days for reply briefs and in **criminal** appeals for up to a total of 60 days for initial and answer briefs. The agreed notice must state the number of days agreed upon for the extension, not just the date the brief would be due. Extensions granted prior to the submission of the agreed notice shall count as part of the aggregate time periods. This procedure shall apply to final and non-final criminal and civil appeals, including administrative appeals. It shall not apply to proceedings involving

adoptions, dependency, termination of parental rights, delinquency, emergency appeals, or any other appeal which has been expedited by the court. It also shall not apply to original proceedings governed by Rule 9.100, Workers' Compensation proceedings, or appeals governed by Rule 9.141(b)(2). Extensions beyond the time must be presented to the court by motion.

A motion for extension of time served after time has expired for serving the brief will generally not be granted unless good cause is shown. Failure to comply with these standards may result in dismissal of the case, striking of the untimely brief, and/or other sanctions.

In Workers' Compensation cases, a motion for extension of time must specifically state the circumstances justifying an extension, and motions requesting an extension on the sole basis of a busy schedule will not be favorably received. Extensions for reply briefs in Workers' Compensation cases will not be granted except upon showing of extreme emergency.

#### **b. Expedited Child Cases**

The court has accelerated procedures for certain child cases. These cases are designated as "child cases" by order. Extensions of time in such cases are not granted except in emergency circumstances.

#### **c. Responses to Motions**

Any response to a motion shall be promptly served, i.e., within 15 days of the service of the motion or such other time as may be specifically set by the court. No reply to a response will be considered unless specifically authorized by the court. See Fla. R. App. P. 9.300(a).

### **8. CERTIFICATES OF SERVICE**

This court does not provide service of documents for litigants. Litigants must serve opposing counsel/parties with a copy of all documents filed with the court. All filings shall contain a certificate of service stating that copies have been provided to the opposing counsel/parties. There are different forms for proof of service based on whether you are filing as an attorney, a pro se inmate, or other pro se litigant. See Fla. R. Jud. Admin 2.516 and Fla. R. App. P. 9.420. Documents that are served on the opposing side electronically must state the electronic means used as well as the date of service. If a certificate of service indicates someone is served by email, it must list the name of the person served as well as the person's email address. Examples of Certificates of Service:

By attorney or Pro Se (Non-Inmate) Litigant:

I certify that a copy of this filing has been provided to (insert name or names) by (circle delivery/mail/email/E-Filing Portal) on (insert date). (Sign), attorney for (insert name of party) or (insert name if pro se), (insert address), (insert phone number), (insert email address), (insert Bar number if an attorney).

By Pro Se Inmate:

I certify that a copy of this filing has been placed in the hands of (insert name of institutional official) for mailing to (insert name or names) on (insert date). (Sign), (insert address), (insert phone number), (insert prison identification numbers).

### **9. AFTER HOURS FILINGS**

Paper filings may be received by the guard after regular business hours and will be stamped as filed on the day received. There is no guarantee the guard will be available on any given day to accept filings so litigants should ensure that time sensitive matters are filed during regular business hours (8 a.m. to

5 p.m.) on days the court is open. The date an electronic filing is received by the court through the E-Filing Portal will constitute the date of filing, up to 11:59 p.m., Eastern Standard Time.

## **10. SERVICE OF EMERGENCY PAPERS**

Any filing designated as an "Emergency" should be served on the parties in the same manner, when practical, as used for the filing itself; e.g., if the paper was filed by special delivery, then the paper should be served on the parties via special delivery. Electronically filed documents through the E-Filing Portal may be marked as "Emergency" when filed by checking the emergency filing box as well as in the title of the document. Filings should only be marked as "Emergency" if a true emergency exists.

## **11. BRIEFS**

Only one copy of a brief is permitted to be filed and the brief must be signed. Paper briefs shall NOT be stapled or bound. See Fla. R. App. P. 9.210(a)(3). The answer brief shall contain all the same elements as contained in the initial brief except that the statement of the case and facts may be omitted. The initial and answer briefs shall include a list of citations and a table of contents with each issue listed and reference made to the page(s) where each issue is discussed in the brief. The court prefers that the reply brief be submitted in this same format. Briefs are screened by the court when filed to determine compliance with Florida Rule of Appellate Procedure 9.210.

### **a. Font Size on Briefs:**

Briefs filed in paper format are required to be on 8 1/2-by-11-inch white paper. All briefs are to be double spaced. Headings and subheadings shall be in print at least as large as the rest of the brief and may be single spaced. Rule 9.210(a)(2) requires that all computer-generated briefs be submitted in either Times New Roman 14-point font or Courier New 12-point font and include a certification signed by the individual filing the brief that the brief complies with the font requirements. Briefs filed electronically through the E-Filing Portal are not required to have an original signature.

### **b. Standard of Review in Briefs:**

The argument section of briefs must contain the standard of review to be applied by the court as to each issue presented. See Fla. R. App. P. 9.210(b)(5).

### **c. Expanded Briefs:**

The court does not generally approve briefs which exceed the page limits contained in Florida Rule of Appellate Procedure 9.210(a)(5). That rule provides that initial and answer briefs should not exceed 50 pages and the reply brief is limited to 15 pages. If a cross-appeal has been filed, the answer brief/initial brief on cross-appeal shall not exceed 85 pages. A reply brief that includes the appellant's answer brief on a cross-appeal may not exceed 50 pages in length. See Fla. R. App. P. 9.210(a)(5). Any motion requesting to exceed the page limit must include with the motion the proposed expanded brief. See *Bennett v. Florida National Bank*, 517 So. 2d 97 (Fla. 1<sup>st</sup> DCA 1987).

### **d. Amendments or Corrections:**

Any request to amend or correct a brief must be made by motion, accompanied by a copy of the entire brief that includes the correction(s) and is entitled an "Amended Brief." See Fla. R. App. P. 9.210, *North Florida Regional Medical Center v. Witt*, 616 So. 2d 614 (Fla. 1<sup>st</sup> DCA 1993). It is also desirable that the motion contain the position of the opposing counsel regarding the filing of the amended brief.

### **e. Amicus Curiae Briefs**

Any party wishing to file an amicus brief shall file a motion requesting leave of court to file the brief complying with the requirements of Florida Rule of Appellate Procedure 9.370. If filed by an attorney or registered user, amicus curiae briefs must be electronically filed via the E-Filing Portal.

## **12. APPENDIX**

If an appendix is submitted in paper, it shall be filed separately from the document it accompanies and be bound by a paper clip or staple in the upper left corner, not bound in book form. The appendix shall include at the front an index (table of contents). Electronically filed appendices must be filed as a single PDF document which is properly indexed and consecutively paginated, beginning with the cover sheet as page 1. The PDF must be text searchable, paginated so that the page numbers displayed by the PDF reader exactly match the pagination of the index, bookmarked consistently with the index, and shall not contain condensed transcripts unless authorized by the court. See Fla. R. App. P. 9.220.

## **13. FONT SIZE AND PAGE LIMITS ON PETITIONS, RESPONSES AND REPLIES**

Rules 9.210(a) and 9.100(l) set forth the requirements for margins, font size, and spacing for briefs, petitions, replies and responses. The print must be black, double spaced, and contain no less than 1-inch margins. Footnotes and quotations may be single spaced and shall be of the same type size and spacing as the text. Computer-generated petitions, responses, and replies shall be submitted in either Times New Roman 14-point font or Courier New 12-point font. All computer-generated petitions, responses, or replies must contain a certification as to compliance with the Rule's font requirements. See Fla. R. App. P. 9.100(f). A petition or response to a petition should not exceed 50 pages in length, and the petitioner's reply should not exceed 15 pages. See Fla. R. App. P. 9.100(g)-(k).

## **14. PHYSICAL EVIDENCE**

Physical evidence is usually not submitted to the appellate court. If a party desires to include physical evidence with the record forwarded to this court on appeal, excluding documents, the party shall first seek permission from this court by filing a motion. See Fla. R. App. P. 9.200(a)(1).

## **15. CORPORATE SELF-REPRESENTATION**

While an individual may represent his or her interest in court without an attorney, a corporation is not permitted to do so through non-lawyer employees, officers, or shareholders. See *Richter v. Higdon Homes, Inc.*, 544 So. 2d 300 (Fla. 1st DCA 1989); *Nicholson Supply Co. v. First Federal Savings & Loan Assoc. of Hardee County*, 184 So. 2d 438 (Fla. 2d DCA 1966).

## **16. FOREIGN ATTORNEYS**

Attorneys who are members in good standing in other jurisdictions may be granted permission by court order to appear in proceedings in this court. See Fla. R. App. P. 9.440(a); Fla. R. Jud. Admin. 2.510. Attorneys who have been permitted to appear pro hac vice in the lower court must still file a motion for leave to appear before this court. Pursuant to Section 35.22(2)(a), Florida Statutes, the clerk is required to collect a \$100 filing fee from each attorney appearing pro hac vice. An additional filing fee of \$250 is required by the Florida Bar.

## **17. ORAL ARGUMENT**

Requests for oral argument shall be made by filing a separate filing labeled as a request for oral argument and shall contain no other subject matter. Oral argument requests should be limited to those cases where counsel believes it will serve a definite and useful purpose in aiding the court in deciding the issue(s) on appeal. See Fla. R. App. P. 9.320. Cases receive the same consideration regardless of whether an oral argument request has been made. Requests for oral argument shall be made not later than 15 days after the last brief is due, or in petitions, not later than 15 days after the reply is due, unless otherwise ordered by the court. Any request for oral argument by video teleconferencing should be contained in the request for oral argument and should contain the consent of the opposing counsel/party. Once the court has scheduled oral argument, motions for continuances are not favored except in emergency circumstances. The court should be notified first by phone, followed by motion, if within ten days prior to the oral argument date settlement agreements appear successful or a motion for voluntary dismissal is expected prior to oral argument.



### **18. NOTICE OF SUPPLEMENTAL AUTHORITY**

A copy of a newly discovered authority should be attached to the notice. While the notice should designate the issue to which the supplemental authority relates, no argument or comment on the authority may be included in the notice. See Fla. R. App. P. 9.225. Counsel should be familiar with *Ogden Allied Services v. Panesso*, 619 So. 2d 1023 (Fla. 1st DCA 1993), and *Brown and Williamson Tobacco Corporation, etc. v. David Young*, 690 So. 2d 1377 (Fla. 1st DCA 1997).

### **19. APPELLATE MEDIATION PROGRAM**

This court no longer has a mediation program. Requests for mediation are governed by Florida Rule of Appellate Procedure 9.700.

### **20. REHEARING**

Although motions for rehearing are permitted by Florida Rule of Appellate Procedure 9.330, the court strongly discourages the practice of routinely filing such motions. See *Whipple v. State*, 431 So. 2d 1011 (Fla. 2d DCA 1983). Rule 9.330(a) requires that a motion for rehearing set forth the law or fact that the court has overlooked or misapprehended in its decision and shall not present issues not previously raised in the proceedings. Where there has been an award of attorney's fees on appeal, additional fees may be awarded upon a denial of a motion for rehearing. Counsel should be familiar with *Gainesville Coca-Cola v. Young*, 632 So. 2d 83 (Fla. 1st DCA 1993), and *Lawyers Title Insurance Corp. v. Reitzes*, 631 So. 2d 1101 (Fla. 4th DCA 1994). Any response to a motion for rehearing must be served within 15 days of service of the motion.

### **21. LEGAL ADVICE**

Judges of this court are not permitted to provide legal advice, provide separate advisory opinions, or respond to general questions of the law except in cases properly brought before the court. Employees of the clerk's office and the court are likewise not permitted to provide legal advice. Litigants should review the Florida Rules of Appellate Procedure and may want to consult the Pro Se (Unrepresented) Appellate Handbook from the Appellate Practice Section of The Florida Bar at <http://www.flabarappellate.org>.

### **22. AMERICANS WITH DISABILITIES ACT**

**In accordance with the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in proceedings or activities before this court, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the First District Court of Appeal Marshal's Office at 2000 Drayton Drive, Tallahassee, Florida 32399-0950; or at telephone number (850) 717-8132, at least seven (7) days before the proceeding, or immediately upon receiving this notification if the time before the scheduled proceeding is less than seven (7) days. If you are hearing or voice impaired, call 711.**

### **23. PAYMENT OF FILING FEES**

Filing fees may be paid in person, by mail, or through the Florida Courts E-Filing Portal by going to the "Documents" page, click the "Add" button, and search for the "Pay Fee" category. A cover letter or copy of this court's fee order must be filed with payment. Do not attach a fee payment to a motion, brief, or other filing. Payments will not be charged until acceptance of the filing. A convenience fee will be applied to all electronic payments.

DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

September 16, 2020

CASE NO.: 1D20-1998  
L.T. No.: 2019 CA 2196

Edward Tyrone Ridley

v.

Florida Department of Law  
Enforcement

Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Appellant has failed to timely file the initial brief. Within 20 days from the date of this order, appellant shall file the initial brief or, alternatively, show cause why this appeal should not be dismissed for failure to comply with the rules and orders of this Court. The failure to timely comply with this order will result in dismissal of this case without further opportunity to be heard. Fla. R. App. P. 9.410.

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

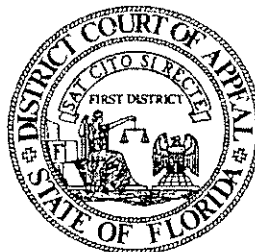
Served:

Elizabeth Yerkes, AGC  
Edward Tyrone Ridley

James Martin, GC

ms

  
KRISTINA SAMUELS, CLERK



FILED

IN THE CIRCUIT COURT  
FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA  
IN AND FOR BAY COUNTY

2020 AUG 19 AM 10:36

KRISTINA SAMUELS  
CLERK, DISTRICT COURT OF APPEAL  
FIRST DISTRICT

COPY

FIRST DCA CASE NO.: 1D20-1916  
L.T. CASE NO.: 95-2844-H

STATE OF FLORIDA,

Plaintiff,

v.

EDWARD TYRONE RIDLEY,

Defendant.

RECEIVED

MAR - 9 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**ORDER DISMISING IN PART AND DENYING IN PART MOTION TO CORRECT  
ILLEGAL SENTENCE, DENYING EMERGENCY MOTION TO COMPEL, DENYING  
MOTION TO WITHDRAW PLEA, AND DENYING MOTION TO REMOVE  
REQUIREMENT TO REGISTER AS A SEXUAL OFFENDER**

THIS MATTER is before the Court on the Defendant's pro se "Emergency Fla. Stat. 3.800(a) to Withdraw Case No. 1995-2844-CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel," filed June 11, 2020, which the Court construes as a Motion to Correct Illegal Sentence pursuant to Florida Rule of Criminal Procedure 3.800(a), pro se Motion to Compel, filed June 11, 2020, and pro se "Expedited Argument in Support that Fla. Stat. 943.0435 Did Not Exist When Alleged Offense Occurred," filed July 30, 2020. Having considered said Motions, the court file and records, and being otherwise fully advised, this Court finds as follows:

**HISTORY**

The Amended Information charged the Defendant with Sexual Battery in violation of section 794.011(5), Florida Statutes, as follows:

Edward T. Ridley, on or about the 4th day of December, 1995, in the County and State aforesaid, did unlawfully commit a sexual battery upon a person over the age of twelve (12) years, to-wit: [Victim], 20 years of age, by penetrating her vagina with his finger(s) and/or his penis, without the consent of said victim, and in the process thereof used physical force and violence not likely to cause serious personal injury, in violation of Section 794.011(5), Florida Statutes.

(Am. Information.) On July 29, 1996, the Defendant entered a plea of nolo contendere to the charge of Attempted Sexual Battery, a third-degree felony. (Plea, Waiver and Consent.) In accordance with the agreed disposition, the Defendant was adjudicated guilty of Attempted Sexual Battery in violation of section 794.011, Florida Statutes, a third-degree felony, sentenced to three years in prison with 230 days of jail credit, and ordered to submit blood specimens to the Florida Department of Law Enforcement pursuant to section 943.325, Florida Statutes. (Judgment and Sentence.) On direct appeal, the First District Court of Appeal per curiam affirmed the judgment and sentence. (Mandate and Opinion, 1D96-3228.)

From the date of his conviction and sentence through January of 1998, the Defendant filed numerous pro se motions, affidavits, and letters. On January 30, 1998, the Court took "judicial notice that the defendant has filed 37 frivolous and meritless petitions, pro se orders and other unauthorized pro se documents since the date of his conviction on July 29, 1996. Further, he has mailed a myriad of correspondence directly to the Court. In response to the multitude of letters, the Court has properly advised the defendant, on numerous occasions, that it could not grant the defendant's requests ex parte." The Court noted that he would "be allowed to file a pro se appeal of judgment of his conviction or an order denying his prospective postconviction relief motion" but ordered the Clerk "to reject for filing any civil petitions and appeals, pro se orders and letters addressed to the Court therefrom unless accompanied by the proper filing fee or submitted and signed by a member of the Florida Bar." (Order Denying Motion for Gag Order and Order Denying Further Pro Se Civil Filings.)

On June 1, 1998, the Defendant filed a pro se Motion to Correct an Illegal Sentence pursuant to rule 3.800(a). The Defendant alleged his sentence was illegal because attempted sexual battery was not an offense under section 794.011. (Motion to Correct an Illegal Sentence.) In denying relief, the Court noted that the third-degree felony offense of Attempted Sexual Battery is a lesser offense of the second-degree felony of Sexual Battery pursuant to section 794.011(5), Florida Statutes. The Court also determined the record clearly showed that the Defendant "was informed that he had violated Fla. Stat. 794.011(5), which is a 2d-degree felony that is punishable up to 15 years imprisonment" but the "state offered defendant a plea for the lesser offense of attempted sexual battery (3d-degree felony), which is punishable up to five years DOC. As a result, defendant accepted the plea and was sentenced to three years DOC." The Court ruled the three-year sentence did not exceed the five-year statutory maximum sentence for a third-degree felony and was not an illegal sentence. (Order Denying Motion to Correct an Illegal Sentence.)

On June 9, 1998, the Defendant filed a Motion to Dismiss Information in which he argued the facts did not establish a prima facie case of guilt to support a conviction of Attempted Sexual Battery under section 794.011 because the alleged victim was over the age of 18, citing section

794.01(2)(a). (Motion to Dismiss Information.) This Motion was denied. (Order Denying Motion to Dismiss Information.)

On June 16, 1998, the Defendant filed a Petition for Writ of Habeas Corpus. The Defendant again argued that his review of section 794.011 Florida Statutes, indicated there was no third-degree felony of Attempted Sexual Battery when the alleged victim is over the age of eighteen. He contended the only Attempted Sexual Battery was set forth in section 794.011(2), which was either a capital felony or life felony when the victim is under the age of twelve. (Petition for Writ of Habeas Corpus.) The Petition was denied. (Order Denying Petition for Writ of Habeas Corpus.) The Defendant's July 7, 1998 Immediate Emergency Amended Motion to Correct an Illegal Sentence, in which he again raised this argument, was denied. (Immediate Emergency Amended Motion to Correct an Illegal Sentence; Order Denying Immediate Emergency Amended Motion to Correct an Illegal Sentence.)

#### PRESENT MOTIONS

On June 11, 2020, the Defendant filed his pro se "Emergency Fla. Stat. 3.800(A) to Withdraw Case No. 1995-2844 CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S. 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel." On July 30, 2020, the Defendant filed a pro se motion styled "Expedited Argument in Support that Fla. Stat. 943.0435 Did Not Exist When Alleged Offense Occurred or Contemplated on December 6, 1995 Violated Due Process and Substantive Due Process Caused Violation of the Ex Post Facto Clause Art. 1, U.S. Const." The arguments raised in these motions, as addressed below, are due to be dismissed in part and denied in part.

"[T]o be subject to correction under rule 3.800(a) a sentence must be 'one that no judge under the entire body of sentencing laws could possibly impose.' Wright v. State, 911 So. 2d 81, 83 (Fla. 2005). Put another way, '[a] sentence that patently fails to comport with statutory or constitutional limitations is by definition "illegal.'" Martinez v. State, 211 So. 3d 989, 991 (Fla. 2017) (citations omitted). Under rule 3.800(a), "the burden [is on] the petitioner to demonstrate an entitlement to relief on the face of the record." Williams v. State, 957 So. 2d 600, 604 (Fla. 2007).

The Defendant asserts that a violation of section 794.011(5) is not a third-degree felony, but he has "newly discovered" that attempted sexual battery is a second-degree felony committed against a minor under the age of sixteen. He notes that the victim was twenty years old on the date of the charged offense. He contends the present case should be dismissed "with prejudice."

The Defendant's claim that he is convicted of a non-existent offense because section 794.011, Florida Statutes, does not establish a third-degree felony of Attempted Sexual Battery is due to be dismissed as successive. See Fla. R. Crim. P. 3.800(a)(2) ("A court may dismiss a second or successive motion if the court finds that the motion fails to allege new or different grounds for relief and the prior determination was on the merits.").

If not successive, this claim would be due to be denied as meritless. The Defendant was charged with Sexual Battery in violation of section 794.011(5), Florida Statutes, against a twenty-year-old victim. (Am. Information.) Section 794.011(5) provides that a person who commits sexual battery on a person 12 years of age or older without that person's consent, and in the process thereof does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree. Section 777.04(1)(a), Florida Statutes, provides that a person who attempts to commit an offense prohibited by law and does any act toward the commission of such offense, but fails in the perpetration, commits the offense of criminal attempt. Section 777.04(4)(d), Florida Statutes, provides: "Except as otherwise provided in s. 828.125(2) or s. 849.25(4), if the offense attempted . . . is a felony of the second degree . . . the offense of criminal attempt . . . is a felony of the third degree." The Defendant did not enter a plea to a non-existent offense.

The Defendant next raises claims regarding application of section 943.0435, Florida Statutes. He contends that his case did not meet the requirements of section 943.0435, Florida Statutes. The Defendant states "there had to be a sexual component before labeling" him pursuant to section 943.0435. He also argues that section 943.0435 had not been enacted on the date of the charged offense or the date he was sentenced, application of the statute violated his rights to procedural and substantive due process, and retroactive application of the statute violates the ex post facto clause. He requests withdrawal of his 1996 plea based on breach of contract. These claims are due to be denied.

The Defendant met the requirements of section 943.0435, Florida Statutes, requiring registration of sexual offenders. The definition of "Sexual Offender" in section 943.0435(1)(a) includes a person who has been convicted of attempting an offense proscribed in 794.011 and who "has been released on or after October 1, 1997," from the sanction imposed for such conviction. The Defendant was convicted of Attempted Sexual Battery in violation of section 794.011. He was sentenced on July 29, 1996, to three years in prison with credit for jail time prior to sentencing. See § 946.0435(1)(b), Fla. Stat. ("Convicted" means "the person has been determined guilty as a result of a plea or a trial, regardless of whether adjudication is withheld."). The Florida Department of Corrections Offender Network indicates he was released from incarceration on December 11, 1998. (See also Order Denying Motion for Post Conviction Relief.) Having been convicted of an

enumerated offense, "sex offender" status automatically attached. See Brinson v. State, 291 So. 3d 620, 624 (Fla. 1st DCA 2020).

It has been determined that the registration requirements of section 943.0435 do not deny a defendant procedural due process. See Milks v. State, 894 So. 2d 924, 927-28 (Fla. 2005); Smith v. State, 871 So. 2d 296 (Fla. 1st DCA 2004); Garcia v. State, 909 So. 2d 971, 972 (Fla. 3d DCA 2005). The argument that the provision violates substantive due process has previously been rejected. See Doe v. Moore, 410 F.3d 1337 (11th Cir. 2005); Garcia, 909 So. 2d at 972. The argument that application of section 943.0435 to a person whose qualifying offense was committed prior to enactment of the statute violates ex post facto principles has also been rejected. See Smith v. Doe, 538 U.S. 84 (2003) (holding the Alaska Sex Offender Registration Act is nonpunitive and its retroactive application therefore did not violate the Ex Post Facto Clause); Givens v. State, 851 So. 2d 813, 814-15 (Fla. 2d DCA 2003), review denied, 917 So. 2d 193 (Fla. 2005) (same); Freeland v. State, 832 So. 2d 923 (Fla. 1st DCA 2002) (holding section 943.0435, Florida Statutes, does not violate the ex post facto clause because it neither alters the definition of criminal conduct nor constitutes punishment); Simmons v. State, 753 So. 2d 762, 763 (Fla. 4th DCA 2000) (holding application of section 943.0435, Florida Statutes, did not violate the ex post facto clause because it is a regulatory statute that does not constitute punishment and is procedural in nature); cf. Rickman v. State, 714 So. 2d 538 (Fla. 5th DCA 1998) (determining the registration requirement of Florida's Sexual Predator Act is procedural and regulatory in nature and does not constitute punishment in violation of the ex post facto clause).

The motion to withdraw his 1996 plea is due to be denied. See State v. Partlow, 840 So. 2d 1040, 1041 (Fla. 2003) (holding the sexual offender registration requirement is a collateral consequence of a plea and the failure to inform the defendant of that requirement before he entered the plea does not render a plea involuntary); Vega v. State, 208 So. 3d 215 (Fla. 3d DCA 2016) (affirming denial of motion to withdraw plea based on application of section 943.0435 filed almost eighteen years after the effective date of the statute and fourteen years after the defendant became subject to the statutory registration and reporting requirements); Nelson v. State, 780 So. 2d 294 (Fla. 1st DCA 2001) (affirming denial of motion to withdraw plea because neither the trial court nor defense counsel informed him he would be designated a sexual offender under section 943.0435 because the reporting requirements is a collateral consequence that is not compelled to be disclosed before acceptance of a plea); Simmons, 753 So. 2d at 763 (affirming trial court's denial of relief when defendant filed a motion for declaratory and injunctive relief seeking to have section 943.0435 declared inapplicable to him and asserting he would not have entered a plea if he had known that his picture would be posted on the Internet); cf. Collie v. State, 710 So. 2d 1000, 1008-12 (Fla. 2d DCA 1998) (determining that a sexual predator designation after violation of community control did not constitute a breach of contract because the sexual predator designation was a collateral consequence of the guilty plea and not a form of punishment and therefore did not

impose a punishment beyond that to which he contractually agreed, and concluding there was not a procedural due process violation because the designation was not a deprivation of life, liberty or property); Pearman v. State, 764 So. 2d 739 (Fla. 4th DCA 2000) (same); contrast State v. Wiita, 744 So. 2d 1232 (Fla. 4th DCA 1999) (determining the trial court did not abuse its discretion in granting motion to vacate sentence (filed eight months after section 943.0435 became effective) and providing the defendant was no longer subject to the provisions of section 943.0435 based on a determination that he did not enter his plea with an understanding of the full consequences of the plea because the defendant bargained for anonymity and was promised that his adjudication would be withheld and his file would be sealed if he successfully completed his probation).

Finally, the Defendant argues the sexual offender designation "must be immediately removed pursuant to F.S. 943.04354." The Defendant's request for removal of the registration requirement pursuant to section 943.04354, Florida Statutes, is not cognizable in a motion filed pursuant to rule 3.800(a) or rule 3.850. See State v. Hernandez, 278 So. 3d 845, 849 (Fla. 3d DCA 2019). Moreover, the Defendant has not established, or even alleged, that he meets the requirements for removal of the requirement pursuant to section 943.04354. See State v. Brena, 278 So. 3d 850 (Fla. 3d DCA 2019) (holding the trial court did not have the authority to disregard the statutory mandate and grant a petition to remove the requirement to register as a sex offender absent a finding the person met the statutorily mandated eligibility requirements for removal). Accordingly, the motion for removal of the registration requirement pursuant to section 943.04354 is due to be denied.

Finally, the Defendant asserts that he has been labeled a child sexual predator and child sex offender by the Florida Department of Law Enforcement (FDLE) "who lied and stated by falsifying evidence" that the victim in this case was a twelve-year-old child. He states "FDLE conspired with Crisp Co., Ga. Sheriff detective Tamara Sears by falsifying evidence that [Defendant] had a prior felony sexual assault conviction against a minor." He alleges his "civil rights have been violated by this Court, agents, FDLE, Public Defender's Offices with Floyd Griffith; former State Attorney John Dingus, individuals, states, counties, local, city and federal individuals acting vindictively, corruptly under color of Federal and State law without due process." The Defendant requests this Court contact "Georgia courts immediately and declare" that the present case "is withdrawn," notify the Georgia courts that he was not subject to section 943.0435 because it had not been enacted on the date of the charged offense, and demand his expedited immediate emergency release from state custody in several Georgia cases.

Regarding the Defendant's claim that someone at the FDLE incorrectly reported to Georgia officials that the victim in the present case was a twelve-year-old child, this Court does not have jurisdiction over the FDLE in the present case. The Defendant should seek correction of any incorrect information transmitted by the FDLE through that agency. As addressed above, the



State v. Ridley; 1<sup>st</sup> DCA Case No.: 1D20-1916; L.T. Case No. 95-2844-H  
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Sentence, Denying Motion to Compel, Denying Motion to Withdraw  
Plea, and Denying Motion to Remove Registration Requirement  
Page 7 of 8

Defendant's motion for the above-styled case to be "withdrawn" is without merit. This Court has no jurisdiction to order the Defendant's release from custody in another jurisdiction.

In the Motion to Compel, filed June 11, 2020, the Defendant requested the Court compel the State Attorney to immediately answer the "Emergency Fla. Stat. 3.800(a) to Withdraw Case No. 1995-2844-CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel," filed June 11, 2020. Because the claims raised in that motion do not entitle the Defendant to relief, the Motion to Compel is also due to be denied.

Therefore, it is

**ORDERED AND ADJUDGED that:**


A. The "Emergency Fla. Stat. 3.800(a) to Withdraw Case No. 1995-2844-CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel," filed June 11, 2020, is **DISMISSED in part and DENIED in part**;

B. The Motion to Compel filed June 11, 2020, is **DENIED**; and

C. The "Expedited Argument in Support that Fla. Stat. 943.0435 Did Not Exist When Alleged Offense Occurred" filed July 30, 2020, is **DENIED**.

The Defendant has thirty (30) days from the rendition of this Order to appeal this decision.

Aug **DONE AND ORDERED** in chambers, Bay County, Florida, this 17 day of  
2020.

  
**CHRISTOPHER N. PATTERSON**  
**CIRCUIT JUDGE**

**Attachments:**

Amended Information, filed June 11, 1996  
Plea, Waiver and Consent, filed July 29, 1996  
Judgment and Sentence, filed July 29, 1996  
Mandate and Opinion 1D96-3228, filed March 24, 1997

State v. Ridley; 1<sup>st</sup> DCA Case No.: 1D20-1916; L.T. Case No. 95-2844-H  
Order Dismissing in Part and Denying in Part Motion to Correct Illegal  
Sentence, Denying Motion to Compel, Denying Motion to Withdraw  
Plea, and Denying Motion to Remove Registration Requirement  
Page 8 of 8

**Attachments, continued:**

Order Denying Motion for Gag Order and Order Denying Further Pro Se Civil Filings, filed  
January 30, 1998  
Motion to Correct an Illegal Sentence, filed June 1, 1998 (without attachments)  
Order Denying Motion to Correct an Illegal Sentence, filed June 16, 1998  
Motion to Dismiss Information, filed June 9, 1998  
Order Denying Motion to Dismiss Information, filed June 17, 1998  
Petition for Writ of Habeas Corpus, filed June 16, 1998  
Order Denying Petition for Writ of Habeas Corpus, filed June 22, 1998  
Immediate Emergency Amended Motion to Correct an Illegal Sentence, filed July 7, 1998  
Order Denying Immediate Emergency Amended Motion to Correct an Illegal Sentence, filed  
July 9, 1998

cc: Edward T. Ridley, 570139  
Wilcox State Prison  
P.O. Box 397  
Abbeville, GA 31001

The State Attorney's Office  
P.O. Box 1040  
Panama City, FL 32402

Hon. Kristina Samuels, Clerk  
First District Court of Appeal  
2000 Drayton Drive  
Tallahassee, FL 32399-0950

DISTRICT COURT OF APPEAL, FIRST DISTRICT  
2000 Drayton Drive  
Tallahassee, Florida 32399-0950  
Telephone No. (850)488-6151

February 16, 2021

CASE NO.: 1D21-0475  
L.T. No.: 1995-2844

Edward T. Ridley

v.

State of Florida

---

Appellant / Petitioner(s),

Appellee / Respondent(s)

**BY ORDER OF THE COURT:**

Appellant has filed a notice of appeal in the lower tribunal without the entry of an order of insolvency or deposit of the statutory filing fee. Accordingly, Appellant shall, within 30 days from the date of this order, either file a certified copy of the lower tribunal's order of insolvency for appellate purposes as required by Florida Rule of Appellate Procedure 9.430 or pay to the clerk of this Court the sum of \$300.00 as the appellate filing fee required by the applicable rule of procedure and Section 35.22(2)(a), Florida Statutes (2018). If Appellant seeks a waiver of the filing fee on the grounds of indigency, Appellant shall file a motion and affidavit of indigency with the clerk of the lower tribunal (the court, agency, officer, board, commission, or body whose order is to be reviewed) for a determination by the lower tribunal of whether an order of insolvency should be issued pursuant to Rule 9.430 and Section 57.081(1) or 57.085(2), Florida Statutes (2018), as applicable.

This appeal shall not proceed until the order of insolvency is filed or the fee is paid. Failure to comply with this order will result in the dismissal of this case without further opportunity to be heard. Florida Rule of Appellate Procedure 9.410.

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

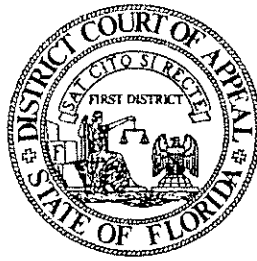
Served:

Hon. Ashley Moody, AG  
Hon. Bill Kinsaul, Clerk

Edward Tyrone Ridley

mh

*Kristina Samuels*  
KRISTINA SAMUELS, CLERK



# EXHIBIT P

IN THE CIRCUIT COURT  
FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA  
IN AND FOR BAY COUNTY

FIRST DCA CASE NO.: 1D20-1916  
L.T. CASE NO.: 95-2844-H

STATE OF FLORIDA,

Plaintiff,

v.

EDWARD TYRONE RIDLEY,

Defendant.

---

**ORDER DISMISING IN PART AND DENYING IN PART MOTION TO CORRECT  
ILLEGAL SENTENCE, DENYING EMERGENCY MOTION TO COMPEL, DENYING  
MOTION TO WITHDRAW PLEA, AND DENYING MOTION TO REMOVE  
REQUIREMENT TO REGISTER AS A SEXUAL OFFENDER**

THIS MATTER is before the Court on the Defendant's pro se "Emergency Fla. Stat. 3.800(a) to Withdraw Case No. 1995-2844-CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel," filed June 11, 2020, which the Court construes as a Motion to Correct Illegal Sentence pursuant to Florida Rule of Criminal Procedure 3.800(a), pro se Motion to Compel, filed June 11, 2020, and pro se "Expedited Argument in Support that Fla. Stat. 943.0435 Did Not Exist When Alleged Offense Occurred," filed July 30, 2020. Having considered said Motions, the court file and records, and being otherwise fully advised, this Court finds as follows:

HISTORY

The Amended Information charged the Defendant with Sexual Battery in violation of section 794.011(5), Florida Statutes, as follows:

Edward T. Ridley, on or about the 4th day of December, 1995, in the County and State aforesaid, did unlawfully commit a sexual battery upon a person over the age of twelve (12) years, to-wit: [Victim], 20 years of age, by penetrating her vagina with his finger(s) and/or his penis, without the consent of said victim, and in the process thereof used physical force and violence not likely to cause serious personal injury, in violation of Section 794.011(5), Florida Statutes.

State v. Ridley; 1<sup>st</sup> DCA Case No.: 1D20-1916; L.T. Case No. 95-2844-H  
Order Dismissing in Part and Denying in Part Motion to Correct Illegal  
Sentence, Denying Motion to Compel, Denying Motion to Withdraw  
Plea, and Denying Motion to Remove Registration Requirement  
Page 2 of 8

(Am. Information.) On July 29, 1996, the Defendant entered a plea of nolo contendere to the charge of Attempted Sexual Battery, a third-degree felony. (Plea, Waiver and Consent.) In accordance with the agreed disposition, the Defendant was adjudicated guilty of Attempted Sexual Battery in violation of section 794.011, Florida Statutes, a third-degree felony, sentenced to three years in prison with 230 days of jail credit, and ordered to submit blood specimens to the Florida Department of Law Enforcement pursuant to section 943.325, Florida Statutes. (Judgment and Sentence.) On direct appeal, the First District Court of Appeal per curiam affirmed the judgment and sentence. (Mandate and Opinion, 1D96-3228.)

From the date of his conviction and sentence through January of 1998, the Defendant filed numerous pro se motions, affidavits, and letters. On January 30, 1998, the Court took "judicial notice that the defendant has filed 37 frivolous and meritless petitions, pro se orders and other unauthorized pro se documents since the date of his conviction on July 29, 1996. Further, he has mailed a myriad of correspondence directly to the Court. In response to the multitude of letters, the Court has properly advised the defendant, on numerous occasions, that it could not grant the defendant's requests ex parte." The Court noted that he would "be allowed to file a pro se appeal of judgment of his conviction or an order denying his prospective postconviction relief motion" but ordered the Clerk "to reject for filing any civil petitions and appeals, pro se orders and letters addressed to the Court therefrom unless accompanied by the proper filing fee or submitted and signed by a member of the Florida Bar." (Order Denying Motion for Gag Order and Order Denying Further Pro Se Civil Filings.)

On June 1, 1998, the Defendant filed a pro se Motion to Correct an Illegal Sentence pursuant to rule 3.800(a). The Defendant alleged his sentence was illegal because attempted sexual battery was not an offense under section 794.011. (Motion to Correct an Illegal Sentence.) In denying relief, the Court noted that the third-degree felony offense of Attempted Sexual Battery is a lesser offense of the second-degree felony of Sexual Battery pursuant to section 794.011(5), Florida Statutes. The Court also determined the record clearly showed that the Defendant "was informed that he had violated Fla. Stat. 794.011(5), which is a 2d-degree felony that is punishable up to 15 years imprisonment" but the "state offered defendant a plea for the lesser offense of attempted sexual battery (3d-degree felony), which is punishable up to five years DOC. As a result, defendant accepted the plea and was sentenced to three years DOC." The Court ruled the three-year sentence did not exceed the five-year statutory maximum sentence for a third-degree felony and was not an illegal sentence. (Order Denying Motion to Correct an Illegal Sentence.)

On June 9, 1998, the Defendant filed a Motion to Dismiss Information in which he argued the facts did not establish a prima facie case of guilt to support a conviction of Attempted Sexual Battery under section 794.011 because the alleged victim was over the age of 18, citing section

State v. Ridley; 1<sup>st</sup> DCA Case No.: 1D20-1916; L.T. Case No. 95-2844-H  
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794.01(2)(a). (Motion to Dismiss Information.) This Motion was denied. (Order Denying Motion to Dismiss Information.)

On June 16, 1998, the Defendant filed a Petition for Writ of Habeas Corpus. The Defendant again argued that his review of section 794.011 Florida Statutes, indicated there was no third-degree felony of Attempted Sexual Battery when the alleged victim is over the age of eighteen. He contended the only Attempted Sexual Battery was set forth in section 794.011(2), which was either a capital felony or life felony when the victim is under the age of twelve. (Petition for Writ of Habeas Corpus.) The Petition was denied. (Order Denying Petition for Writ of Habeas Corpus.) The Defendant's July 7, 1998 Immediate Emergency Amended Motion to Correct an Illegal Sentence, in which he again raised this argument, was denied. (Immediate Emergency Amended Motion to Correct an Illegal Sentence; Order Denying Immediate Emergency Amended Motion to Correct an Illegal Sentence.)

#### PRESENT MOTIONS

On June 11, 2020, the Defendant filed his pro se "Emergency Fla. Stat. 3.800(A) to Withdraw Case No. 1995-2844 CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S. 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel." On July 30, 2020, the Defendant filed a pro se motion styled "Expedited Argument in Support that Fla. Stat. 943.0435 Did Not Exist When Alleged Offense Occurred or Contemplated on December 6, 1995 Violated Due Process and Substantive Due Process Caused Violation of the Ex Post Facto Clause Art. I, U.S. Const." The arguments raised in these motions, as addressed below, are due to be dismissed in part and denied in part.

"[T]o be subject to correction under rule 3.800(a) a sentence must be 'one that no judge under the entire body of sentencing laws could possibly impose.' Wright v. State, 911 So. 2d 81, 83 (Fla. 2005). Put another way, '[a] sentence that patently fails to comport with statutory or constitutional limitations is by definition "illegal.'" Martinez v. State, 211 So. 3d 989, 991 (Fla. 2017) (citations omitted). Under rule 3.800(a), "the burden [is on] the petitioner to demonstrate an entitlement to relief on the face of the record." Williams v. State, 957 So. 2d 600, 604 (Fla. 2007).

The Defendant asserts that a violation of section 794.011(5) is not a third-degree felony, but he has "newly discovered" that attempted sexual battery is a second-degree felony committed against a minor under the age of sixteen. He notes that the victim was twenty years old on the date of the charged offense. He contends the present case should be dismissed "with prejudice."



The Defendant's claim that he is convicted of a non-existent offense because section 794.011, Florida Statutes, does not establish a third-degree felony of Attempted Sexual Battery is due to be dismissed as successive. See Fla. R. Crim. P. 3.800(a)(2) ("A court may dismiss a second or successive motion if the court finds that the motion fails to allege new or different grounds for relief and the prior determination was on the merits.").

If not successive, this claim would be due to be denied as meritless. The Defendant was charged with Sexual Battery in violation of section 794.011(5), Florida Statutes, against a twenty-year-old victim. (Am. Information.) Section 794.011(5) provides that a person who commits sexual battery on a person 12 years of age or older without that person's consent, and in the process thereof does not use physical force and violence likely to cause serious personal injury commits a felony of the second degree. Section 777.04(1)(a), Florida Statutes, provides that a person who attempts to commit an offense prohibited by law and does any act toward the commission of such offense, but fails in the perpetration, commits the offense of criminal attempt. Section 777.04(4)(d), Florida Statutes, provides: "Except as otherwise provided in s. 828.125(2) or s. 849.25(4), if the offense attempted . . . is a felony of the second degree . . . the offense of criminal attempt . . . is a felony of the third degree." The Defendant did not enter a plea to a non-existent offense.

The Defendant next raises claims regarding application of section 943.0435, Florida Statutes. He contends that his case did not meet the requirements of section 943.0435, Florida Statutes. The Defendant states "there had to be a sexual component before labeling" him pursuant to section 943.0435. He also argues that section 943.0435 had not been enacted on the date of the charged offense or the date he was sentenced, application of the statute violated his rights to procedural and substantive due process, and retroactive application of the statute violates the ex post facto clause. He requests withdrawal of his 1996 plea based on breach of contract. These claims are due to be denied.

The Defendant met the requirements of section 943.0435, Florida Statutes, requiring registration of sexual offenders. The definition of "Sexual Offender" in section 943.0435(1)(a) includes a person who has been convicted of attempting an offense proscribed in 794.011 and who "has been released on or after October 1, 1997," from the sanction imposed for such conviction. The Defendant was convicted of Attempted Sexual Battery in violation of section 794.011. He was sentenced on July 29, 1996, to three years in prison with credit for jail time prior to sentencing. See § 946.0435(1)(b), Fla. Stat. ("Convicted" means "the person has been determined guilty as a result of a plea or a trial, regardless of whether adjudication is withheld."). The Florida Department of Corrections Offender Network indicates he was released from incarceration on December 11, 1998. (See also Order Denying Motion for Post Conviction Relief.) Having been convicted of an

impose a punishment beyond that to which he contractually agreed, and concluding there was not a procedural due process violation because the designation was not a deprivation of life, liberty or property); Pearman v. State, 764 So. 2d 739 (Fla. 4th DCA 2000) (same); contrast State v. Wiita, 744 So. 2d 1232 (Fla. 4th DCA 1999) (determining the trial court did not abuse its discretion in granting motion to vacate sentence (filed eight months after section 943.0435 became effective) and providing the defendant was no longer subject to the provisions of section 943.0435 based on a determination that he did not enter his plea with an understanding of the full consequences of the plea because the defendant bargained for anonymity and was promised that his adjudication would be withheld and his file would be sealed if he successfully completed his probation).

Finally, the Defendant argues the sexual offender designation "must be immediately removed pursuant to F.S. 943.04354." The Defendant's request for removal of the registration requirement pursuant to section 943.04354, Florida Statutes, is not cognizable in a motion filed pursuant to rule 3.800(a) or rule 3.850. See State v. Hernandez, 278 So. 3d 845, 849 (Fla. 3d DCA 2019). Moreover, the Defendant has not established, or even alleged, that he meets the requirements for removal of the requirement pursuant to section 943.04354. See State v. Brena, 278 So. 3d 850 (Fla. 3d DCA 2019) (holding the trial court did not have the authority to disregard the statutory mandate and grant a petition to remove the requirement to register as a sex offender absent a finding the person met the statutorily mandated eligibility requirements for removal). Accordingly, the motion for removal of the registration requirement pursuant to section 943.04354 is due to be denied.

Finally, the Defendant asserts that he has been labeled a child sexual predator and child sex offender by the Florida Department of Law Enforcement (FDLE) "who lied and stated by falsifying evidence" that the victim in this case was a twelve-year-old child. He states "FDLE conspired with Crisp Co., Ga. Sheriff detective Tamara Sears by falsifying evidence that [Defendant] had a prior felony sexual assault conviction against a minor." He alleges his "civil rights have been violated by this Court, agents, FDLE, Public Defender's Offices with Floyd Griffith; former State Attorney John Dingus, individuals, states, counties, local, city and federal individuals acting vindictively, corruptly under color of Federal and State law without due process." The Defendant requests this Court contact "Georgia courts immediately and declare" that the present case "is withdrawn," notify the Georgia courts that he was not subject to section 943.0435 because it had not been enacted on the date of the charged offense, and demand his expedited immediate emergency release from state custody in several Georgia cases.

Regarding the Defendant's claim that someone at the FDLE incorrectly reported to Georgia officials that the victim in the present case was a twelve-year-old child, this Court does not have jurisdiction over the FDLE in the present case. The Defendant should seek correction of any incorrect information transmitted by the FDLE through that agency. As addressed above, the

Defendant's motion for the above-styled case to be "withdrawn" is without merit. This Court has no jurisdiction to order the Defendant's release from custody in another jurisdiction.

In the Motion to Compel, filed June 11, 2020, the Defendant requested the Court compel the State Attorney to immediately answer the "Emergency Fla. Stat. 3.800(a) to Withdraw Case No. 1995-2844-CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel," filed June 11, 2020. Because the claims raised in that motion do not entitle the Defendant to relief, the Motion to Compel is also due to be denied.

Therefore, it is

**ORDERED AND ADJUDGED that:**

A. The "Emergency Fla. Stat. 3.800(a) to Withdraw Case No. 1995-2844-CFA; 794.011(5) Five, Do[es] Not Exist as a Third Degree Felony, Remove Off F.S 943.0435 Pursuant to 943.04354 and Ineffective Assistance of Counsel," filed June 11, 2020, is **DISMISSED in part and DENIED in part**;

B. The Motion to Compel filed June 11, 2020, is **DENIED**; and

C. The "Expedited Argument in Support that Fla. Stat. 943.0435 Did Not Exist When Alleged Offense Occurred" filed July 30, 2020, is **DENIED**.

The Defendant has thirty (30) days from the rendition of this Order to appeal this decision.

Aug **DONE AND ORDERED** in chambers, Bay County, Florida, this 17 day of Aug 2020.

  
CHRISTOPHER N. PATTERSON  
CIRCUIT JUDGE

**Attachments:**

Amended Information, filed June 11, 1996  
Plea, Waiver and Consent, filed July 29, 1996  
Judgment and Sentence, filed July 29, 1996  
Mandate and Opinion 1D96-3228, filed March 24, 1997

State v. Ridley; 1<sup>st</sup> DCA Case No.: 1D20-1916; L.T. Case No. 95-2844-H  
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**Attachments, continued:**

Order Denying Motion for Gag Order and Order Denying Further Pro Se Civil Filings, filed  
January 30, 1998  
Motion to Correct an Illegal Sentence, filed June 1, 1998 (without attachments)  
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Immediate Emergency Amended Motion to Correct an Illegal Sentence, filed July 7, 1998  
Order Denying Immediate Emergency Amended Motion to Correct an Illegal Sentence, filed  
July 9, 1998

cc: Edward T. Ridley, 570139  
Wilcox State Prison  
P.O. Box 397  
Abbeville, GA 31001

The State Attorney's Office  
P.O. Box 1040  
Panama City, FL 32402

Hon. Kristina Samuels, Clerk  
First District Court of Appeal  
2000 Drayton Drive  
Tallahassee, FL 32399-0950

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY

State of Florida,  
Plaintiff,

v.

Case Number: 95-2844

Ridley, Edward  
Defendant.

---

Amended Case Management Order

Pursuant to Rule 2.085, *Florida Rules of Judicial Administration*, the Court enters the following pretrial case management order:

1. **Defendant's Presence** - The Defendant will be present at all pretrial conferences. A Written Waiver of Presence, pursuant to Rule 3.220(p), *Florida Rules of Criminal Procedure*, will not be acceptable absent a court order.
2. **Continuances** - The Court will continue this case only for good cause, upon the filing of a written motion under Rule 3.190(g), *Florida Rules of Criminal Procedure*, and Rule 2.085(c), *Florida Rules of Judicial Administration*.
3. **Discovery** - Discovery, if any should be initiated promptly and completed prior to scheduling the case for trial. Failure to complete discovery within the item periods set by this order will serve as grounds for a continuance only if there is good cause for the delay and only if discovery was timely initiated.
4. **Witness Lists** - Strict compliance with Rule 3.220 is expected.
5. **Notice of Alibi** - A written notice of alibi, if any, shall be served upon the State within thirty (30) days prior to trial unless, after due diligence, the witness is not discovered until later. Upon discovery, the Defendant shall immediately notify the State.
6. **Pretrial Motions** - All motions shall be filed fifteen (15) days prior to the pretrial conference, unless the grounds could not have been discovered until after the cut-off date. All motions must be scheduled for hearing prior to the week of the trial. If a motion is dispositive of the case, counsel should advise the Court at pretrial. If counsel fails to schedule the motion, the Clerk will automatically schedule a hearing on the next available day on the Court's calendar.
7. **Plea negotiations** - All plea negotiations must be complete at the pretrial hearing, and a negotiated plea, if any, must be tendered to the Court prior to the week of trial. No negotiated pleas will be accepted thereafter.
8. **Trials** - Trials for persons in custody (except capital cases) will be given priority.

Done and ordered in Panama City, Bay County, Florida, on the date filed.

cc: to all counsel of record

Dedee S. Costello  
Dedee S. Costello  
Administrative Circuit Court Criminal Judge

Ex. b. 1 1

\_\_\_\_\_ Probation Violator

\_\_\_\_\_ Community Control Violator

\_\_\_\_\_ Retrial

\_\_\_\_\_ Resentence

In the Circuit Court, 14TH Judicial Circuit,

in and for BAY County, Florida

Division H

Case Number 95-2844CFA

State of Florida  
v.

**\*\* OFFICIAL RECORDS \*\***  
BOOK: 1651 PAGE: 1093

FILE# 96-035680  
BAY COUNTY, FLORIDA

EDWARD TYRONE RIDLEY

Defendant

### JUDGMENT

The defendant, EDWARD TYRONE RIDLEY, being personally before this court represented by THE HONORABLE FLOYD GRIFFITH, the attorney of record, and the state represented by THE HONORABLE BARBARA FINCH, and having

       been tried and found guilty by jury/by court of the following crime(s)

       entered a plea of guilty to the following crime(s)

XX entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	Case Number	OBTS Number
I	ATTEMPTED SEXUAL BATTERY	794.011	3 <sup>rd</sup>	95-2844	0008258951

XX 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).

XX and pursuant to section 943.325, Florida Statutes, having been convicted of attempts or offenses relating to sexual battery (ch. 794) or lewd and lascivious conduct (ch. 800) the defendant shall be required to submit blood specimens.

       and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

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State of Florida  
v.











Ex. b. + 2

\*\* OFFICIAL RECORDS \*\*  
BOOK: 1651 PAGE: 1094

EDWARD TYRONE RIDLEY  
Defendant

Case Number 95-2844CFA

**FINGERPRINTS OF DEFENDANT**

1. Right Thumb 	2. Right Index 	3. Right Middle 	4. Right Ring 	5. Right Little 
6. Left Thumb 	7. Left Index 	8. Left Middle 	9. Left Ring 	10. Left Little 

Fingerprints taken by: GLEN LEMIEUX DEPUTY SHERIFF  
Name Title

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, EDWARD TYRONE RIDLEY, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Bay County, Florida, this 24 day of July, 1996.

  
Judge  
ALLEN L. REGISTER

Page 10

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Ridley, Edward Tyrone  
Page 2 of 2

Defendant EDWARD TYRONE RIDLEY Case Number 95-2844CFA On FS Number 0008258951

Exhibit 3

**SENTENCE**

**\*\* OFFICIAL RECORDS \*\***  
BOOK: 1651 PAGE: 1095

(As to Count I)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, THE HONORABLE FLOYD GRIFFITH, 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 the defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable.)

☐ and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date  
(date)

☐ and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences  
the defendant (date)

☐ 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 section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ as the 5% surcharge required by section 960.25, Florida Statutes.

☒ The defendant is hereby committed to the custody of the Department of Corrections.

☐ The defendant is hereby committed to the custody of the Sheriff of \_\_\_\_\_ County, Florida.

☐ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

**To Be Imprisoned (Check one; unmarked sections are inapplicable.):**

☐ For a term of natural life.

☒ For a term of 3 YEARS.

☐ Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

☐ Followed by a period of \_\_\_\_\_ on probation/community control 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 the 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.

page 11

000085



Defendant EDWARD TYRONE RIDLE

Case Number 95-2844CFA

**SPECIAL PROVISIONS**

**\*\* OFFICIAL RECORDS \*\***  
BOOK: 1651 PAGE: 1096

(As to Count I)

By appropriate notation, the following provisions apply to the sentence imposed:

**Mandatory/Minimum Provisions:**

- Firearm ☐ It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Drug Trafficking ☐ It is further ordered that the \_\_\_\_\_ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.
- Controlled Substance ☐ It is further ordered that the 3-year minimum imprisonment provisions of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count.
- Within 1,000 Feet of School
- Habitual Felony Offender ☐ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Habitual Violent ☐ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.
- Felony Offender
- Law Enforcement ☐ It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before Protection Act release in accordance with section 775.0823, Florida Statutes.
- Capital Offense ☐ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.
- Short-Barreled Rifle, ☐ It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida Shotgun, Machine Gun Statutes, are hereby imposed for the sentence specified in this count.
- Continuing ☐ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Criminal Enterprise Florida Statutes, are hereby imposed for the sentence specified in this count.

**Other Provisions:**

- Retention of Jurisdiction ☐ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).
- Jail Credit ☒ It is further ordered that the defendant shall be allowed a total of 230 days as credit for time incarcerated before imposition of this sentence.
- Prison Credit ☐ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

**Other Provisions, continued:**

- Consecutive/Concurrent ☐ It is further ordered that the sentence imposed for this count shall run As To Other Counts (check one) ☐ consecutive to ☐ concurrent with the sentence set forth in count \_\_\_\_\_ of this case.

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Page 12 of 12

Defendant EDWARD TYRONE RIDLEY

Case Number 95-204CFA

Other Provisions, continued:

**\*\* OFFICIAL RECORDS \*\***  
**BOOK: 1651 PAGE: 1097**

Consecutive/Concurrent  
As To Other Counts

\_\_\_ It is further ordered that the sentence imposed for this count shall run  
(check one) \_\_\_ consecutive to \_\_\_ concurrent  
with the sentence set forth in count \_\_\_ of this case.

Consecutive/Concurrent  
As To Other Convictions

\_\_\_ It is further ordered that the composite term of all sentences imposed for the counts  
specified in this order shall run  
(check one) \_\_\_ consecutive to \_\_\_ concurrent  
with the following:  
(check one)

\_\_\_ any active sentence being served.

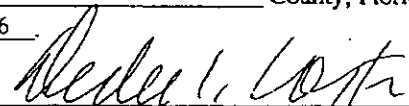
\_\_\_ specific sentences: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event the above sentence is to the Department of Corrections, the Sheriff of BAY  
County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility  
designated by the department together with a copy of this judgment and sentence and any other documents specified by  
Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within  
30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal  
at the expense of the State on showing of indigency.

In imposing the above sentence, the court further ~~RECOMMENDS~~ ORDERS DEFENDANT TO GIVE BLOOD SAMPLE  
FOR THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT DATA BANK.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DONE AND ORDERED in open court at BAY County, Florida,  
this 29TH day of JULY, 19 96

  
\_\_\_\_\_  
Judge  
Dedee S. Costello

Page  
13

000057

RCD Aug 08 1996 08:10am  
HAROLD BAZZEL, CLERK

POSTED

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

EDWARD T. RIDLEY,  
Appellant,

v.

STATE OF FLORIDA,  
Appellee.

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION AND  
DISPOSITION THEREOF IF FILED.

CASE NO. 96-3228

95-2844

**CORRECTED COPY**

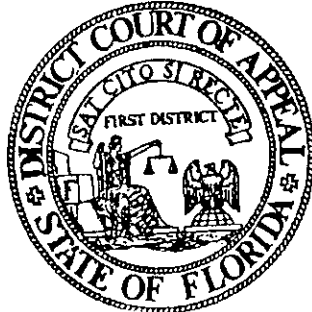
3/24/97  
iw

Opinion filed March 21, 1997.

An appeal from the Circuit Court for Bay County.  
Dedee S. Costello, Judge.

Nancy A. Daniels, Public Defender, and David P. Gauldin, Assistant  
Public Defender, Tallahassee, for appellant.

Robert A. Butterworth, Attorney General, and Daniel A. David,  
Assistant Attorney General, Tallahassee, for appellee.



PER CURIAM

AFFIRMED.

*John L. Ziegler*  
JUDGE, DISTRICT COURT  
TALLAHASSEE, FLORIDA

ALLEN, WEBSTER and MICKLE, JJ., CONCUR.



DISTRICT COURT OF APPEAL  
FIRST DISTRICT  
STATE OF FLORIDA  
TALLAHASSEE, FLORIDA 32399-1850

JON S. WHEELER  
CLERK OF THE COURT

April 8, 1997

(904) 488-6151

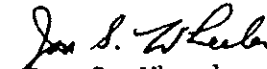
Honorable Harold Bazzel, Clerk  
Bay County Circuit Court  
P.O. Box 2269  
Panama City, FL 32402

RE: EDWARD T. RIDLEY v. STATE OF FLORIDA  
Docket No. 96-3228  
Case No. 95-2844CFA

Dear Mr. Bazzel:

I have been directed by the Court to issue the attached mandate in the above-styled cause. It is enclosed with a certified copy of this Court's opinion.

Yours truly,

  
Jon S. Wheeler

JSW:mp  
enclosure

xc: (letter and mandate only)  
David P. Gauldin, APD  
Daniel A. David, AAG

# M A N D A T E

From

DISTRICT COURT OF APPEAL OF FLORIDA  
FIRST DISTRICT

To the Honorable, the Judges of the \_\_\_\_\_ Circuit Court for Bay County \_\_\_\_\_

WHEREAS, in that certain cause filed in this Court styled: \_\_\_\_\_

STATE OF FLORIDA

v.

EDWARD TYRONE RIDLEY

Case No. \_\_\_\_\_ 96-3228 \_\_\_\_\_

Your Case No. \_\_\_\_\_ 95-2844CFA \_\_\_\_\_

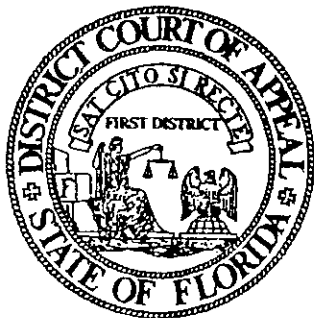
The attached opinion was rendered on \_\_\_\_\_ March 21, 1997 \_\_\_\_\_

YOU ARE HEREBY COMMANDED that further proceedings be had in accordance with said opinion,  
the rules of this Court and the laws of the State of Florida.

WITNESS the Honorable \_\_\_\_\_ Edward T. Barfield \_\_\_\_\_

Chief Judge of the District Court of Appeal of Florida, First District and the Seal of said  
court at Tallahassee, the Capitol, on this

\_\_\_\_\_ 8th day of April, 1997 \_\_\_\_\_



\_\_\_\_\_  
Clerk, District Court of Appeal of Florida,  
First District

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT,  
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY

STATE OF FLORIDA,  
Plaintiff,

vs.

Case No. 95-2844

EDWARD TYRONE RIDLEY,  
Defendant.

ORDER DENYING MOTION FOR GAG ORDER AND ORDER DENYING FURTHER  
PRO SE CIVIL FILINGS

THIS MATTER is before the Court on the Defendant's Motion For Gag Order, filed on January 15, 1998. Having considered the Motion, court file/records, and being fully advised, this Court hereby finds that:

1. On July 29, 1996, the defendant was convicted of sexual battery and was sentenced to three years DOC with 230 days credit. He has now filed this motion, requesting that the Court enjoin the DOC from "placing [sic] the defendants [sic] criminal history or release over the internet, new, [sic] or news papers [sic] etc. concerning the release of the Defendant either formal or informal." According to the court file, the defendant pled guilty to a prior sexual battery offense in the State of Georgia. (See attached Plea and Sentence). Therefore, it is presumptive that he does not want his release date publicized because of his sexual criminal history.

2. Pursuant to section 775.225, Fla.Stat. (1995), upon considering evidence, if the court finds that the sexual predator poses a threat to the public and that notice to the community where the sexual predator temporarily or permanently resides is necessary to protect public safety, the court shall submit its finding to the sheriff or the police chief. Thereafter, the sheriff or the police chief

where the sexual predator temporarily or permanently resides shall notify the public of the presence of the sexual predator. Here, the defendant is still incarcerated therefore, his motion is unripe and lacks standing to raise this issue. Moreover, section 775.225, Fla.Stat. (1995) gives the Court the discretion to determine whether the defendant's release date and location should be made available to the public.

3. Finally, the Court takes judicial notice that the defendant has filed 37 frivolous and meritless petitions, pro se orders and other unauthorized pro se documents since the date of his conviction on July 29, 1996. Further, he has mailed a myriad of correspondence directly to the Court. In response to the multitude of letters, the Court has properly advised the defendant, on numerous occasions, that it could not grant the defendant's requests *ex parte*. Moreover, in defendant's present motion, he informs the Court that he "has until May of 1999 to do his post-conviction relief [sic] which will be done before that date. . . ." The Supreme Court in Florida in Attwood v. Singletary, 661 So.2d 1216 (Fla. 1995), found that appellant's pro se activities before that Court had substantially interfered with the orderly process of judicial administration, and therefore it exercised its inherent authority to prevent abuse of the judicial system. See also Birge v. State, 620 So.2d 234 (Fla. 1st DCA 1993); Martin v. Marko 651 So.2d 819 (Fla. 4th DCA 1994). In Lowery v. Kaplan, 650 So.2d 114 (Fla. 4th DCA 1995), the 4th DCA held that appellant's filing of 28 pro se petitions for extraordinary relief in the last three years, which were frivolous, allowed the withdrawal of right to litigate pro se.

The United States Supreme Court has recently adopted a procedure pursuant to Supreme Court Rule 39.8 to prevent abusive filers from proceeding in in forma pauperis in non-criminal proceedings by directing the clerk to not accept for filing any petitions from these individuals unless they are accompanied by the correct filing fee. Id.

However, the 4th DCA offered the appellant three options: (1) pay the filing fees to Clerk of the

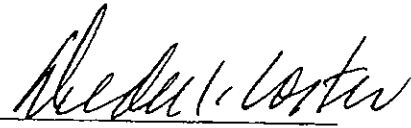
Court; (2) show cause why appellant's in forma pauperis status should not be denied in light of the his past pattern and practice of filing frivolous extraordinary writs and appeals; or (3) allow appellant's counsel to file any future petitions. Moreover, the court recognized that the prospective denial of indigent status for future pro se petitions will not affect the appellant's ability to seek the issuance of an extraordinary writ in connection with his current criminal prosecutions. Nor will appellant be precluded from filing a pro se appeal of a judgment of conviction or an order denying him postconviction relief. Here, defendant is pro se and will be allowed to file a pro se appeal of judgment of his conviction or an order denying his prospective postconviction relief motion. However, the Court orders the Clerk of this Court to reject for filing any civil petitions and appeals, pro se orders and letters to addressed to the Court therefrom unless accompanied by the proper filing fee or submitted and signed by a member of the Florida Bar.

Therefore, it is

**ORDERED AND ADJUDGED** that Defendant's motion be and the same is hereby **DENIED**.

**DONE AND ORDERED** in Chambers, Panama City, Bay County, Florida this 30 day of

January, 1998

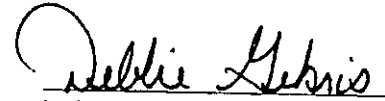
  
**DEDEE S. COSTELLO**  
**CIRCUIT JUDGE**

**Attachment:**

State of Georgia Plea and Sentence



I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Edward Tyrone Ridley, DC #958659, Taylor Correctional Institution, P.O. Box 1728, Dorm A2117L, Perry, FL 32348; Clerk of the Court, Bay County Courthouse, Panama City, FL 32402; and Jonathan Dingus, Esq., Assistant State Attorney, P.O. Box 1040, Panama City, FL 32402 this 30 day of January, 1998.



Debbie Gehris  
Judicial Assistant

THE STATE OF GEORGIA

COUNTY, GEORGIA July 1 1994

vs  
Edward Tyson Ridley

CRIMINAL ACTION NO - DOCKET NO 94R221

OFFENSE(S)	PLEA	TO LESSER INC OFFENSE	OTHER DISPOSITION
COUNT 1 Sexual Battery	NEG <input checked="" type="checkbox"/> G <input checked="" type="checkbox"/> NOLO CONT <input type="checkbox"/>		NOLE PROB. <input type="checkbox"/> DEAD DOCKET <input type="checkbox"/>
COUNT 2			
COUNT 3			
COUNT 4			
COUNT 5			

MISDEMEANOR SENTENCE ☒ NO JURY ☒

SENTENCE

WHEREAS the above named Defendant has been found guilty of the above-stated offense(s), it is ordered and adjudged by the Court that:

(\*) The said Defendant is hereby sentenced to confinement in the County Jail or such other institution as the Court may direct for a period of 10 months/days, to be computed as provided by law on Oct 1

( ) Upon service of 10 months/days above sentence, the remainder may be served on probation.

(\*) Defendant is sentenced to serve above sentence on probation.

( ) Probation to be suspended upon payment of the fine in full.

FILED IN OFFICE  
JUL 6 - 1994 19  
Glen H. Rogers, Clerk  
CRISP SUPERIOR COURT

	COUNT 1	COUNT 2	COUNT 3	COUNT 4	COUNT 5	SUB-TOTAL
FINE	500					
POPTIF \$50/104	50					
CICSE 104	50					
CDATEF 504	1					
LIE FEE	3.00					
DUI						
TOTAL	603.00					

TOTAL \$ 603.00

CONDITIONS OF PROBATION

- (\*) 1. Pay a fine and court costs in the amount of \$ 903.00
  - (\*) 2. Do not violate the criminal laws of any governmental unit.
  - (\*) 3. Do not change present residence or leave the jurisdiction of the Court without permission.
  - (\*) 4. Report to the Probation Officer weekly in person and pay \$30.00 per month supervision fees. (call weekly)
  - (\*) 5. Pay all fines, program, and restitution fees within the time specified by the Probation Officer.
  - (\*) 6. Perform          hours/days of Community Service Work at the direction of the Probation Officer.
  - (\*) 7. Avoid alcoholic intoxication, narcotics, other dangerous drugs unless prescribed lawfully. Submit to random alcohol and drug screen.
  - (\*) 8. Verify evaluation at Mental Health          Community Corrections Corp.
  - (\*) 9. Register for and pay the cost of the following programs offered by Community Corrections Corporation. Substance Abuse          Personal Responsibility
  - (\*) 10. Pay restitution in the amount of \$          to
  - (\*) 11. Other after 2 mo in Crisp Co. Jail. If fails pymnt -  
revoked sentence. Credit for time served  
will issue fugitive warrant. per Judge Fairman
- The Defendant is subject to arrest for violation of any condition of probation. If such probation is revoked, the Court may order the execution of the sentence originally imposed or any portion thereof after deducting therefrom the amount the Defendant has served on probation.

-6-94

ATE

PRESIDING JUDGE

ie is to certify that a true and correct copy of this sentence has been delivered in person to the Defendant who has been duly instructed regarding the conditions of probation. Probation conditions must be completed 60 days prior to the probation ending date.

7-6-94

TE

DEFENDANT

PROBATION OFFICER

7206/475

TCS  
E

ACCUSATION

GEORGIA, CRISP COUNTY

COUNT 1

I, John C. Pridgen, District Attorney for the Cordele Judicial Circuit, in the name and behalf of the citizens of Georgia, charge and accuse EDWARD TYRONE RIDLEY with having committed the offense of SEXUAL BATTERY (O.C.G.A. §16-6-22.1) for that the said accused on the 15TH day of MAY, 1994 in the State and County, aforesaid, did then and there, unlawfully intentionally make physical contact with intimate parts of the body of [REDACTED] without the consent of said [REDACTED] [REDACTED] by pressing against her and grabbing her buttocks, contrary to the laws of Georgia, the good order, peace and dignity thereof.

---

J. PARHAM, Prosecutor

John C. Pridgen, District Attorney

PLEA

The defendant waives formal arraignment, copy of accusation, list of witnesses, trial by jury and being fully acquainted with his right to counsel, and his right to indictment by a Grand Jury, specifically waives the same and pleads GUILTY.

this 9th day of

JULY, 1994

Edward T. Ridley  
Defendant

John W. Jernigan  
Defendant's Attorney  
J. P. Hall  
(Asst. District Attorney)

VERDICT

We, the Jury, find the Defendant

this \_\_\_\_\_ day of

\_\_\_\_\_, 19\_\_\_\_.

Foreman \_\_\_\_\_

ACCUSATION

NO. 94R.221  
SUPERIOR COURT  
CRISP COUNTY  
MAY ADJ. TERM, 1994

STATE OF GEORGIA

VS.

EDWARD TYRONE RIDLEY

SEXUAL BATTERY (16-6-22.1)

FILED IN OFFICE  
JUL 9 - 1994 18  
John W. Jernigan Clerk  
CRISP SUPERIOR COURT

JOHN C. PRIDGEN  
DISTRICT ATTORNEY  
CORDELE JUDICIAL CIRCUIT


WITNESSES FOR THE STATE

IN THE FOURTEENTH JUDICIAL CIRCUIT COURT  
IN AND FOR BAY COUNTY FLORIDA

Filed 6-1-98

EDWARD T. RIDLEY,  
Defendant,

VS

95-2844-H Div. 

STATE OF FLORIDA  
Plaintiff,

---

MOTION TO CORRECT AN ILLEGAL SENTENCE

Comes now the Defendant Edward T. Ridley, in Propria Persona, proceeding Pro Se and pursuant to the Authority of Rule 3.800 (a), Florida R. of Criminal P. (1997) and files this Motion To Correct Illegal Sentence, and would state the following Facts and Authorities in Support thereof:

1.) Defendant was arrested and charged with violating one (1) of Florida Statutes.

2) Defendant Plead Nolo Contendere to (1) one count of Attempted Sexual Battery Section 794.011 - Third Degree Felon - and was subsequently sentenced to a term of

**POSTED**  
GS

page 1

three(3) years in the Florida Department of Corrections

3.) This sentenced were handed down on or about the 29th day of July, 1996 by the Honorable Allen L. Register Judge.

4) Defendant was supposengly represented by Floyd A. Griffith Public Defender.

5) Defendant was illegally sentenced by Honorable Allen L. Register which he was not famaliar with my case my presiding judge was Dedee Costello also the Honorable Barbara Finch was not by presiding State Attorney in which Honorable Johnathan Dingus was. Therefor the State Attorney or the sit in judge was not familiar with my case And it was illegal for them to Sentence me.

### ARGUMENT

Defendant contends that his judgment And sentence under section 794.011 Attempted Sexual Battery Florida Statues is illegal and extremely

UNCONSTITUTIONAL.

Defendant further contends that section 794.011 Attempted Sexual Battery is NOT A crime under the title Attempted Sexual Battery According to Florida Statutes.

Further F.S. 794.011 is Sexual Battery A second degree felon NOT Attempted Sexual Battery AS Defendant is charged illegally.

Also there is no where in Florida Statutes section 794.011 that there is A Crime Attempted Sexual Battery Supported by Florida Statutes 794.011 or ~~it~~ either CAN be found in the pocket Section or supplemental section to support A charge of Attempted Sexual Battery F.S. 794.011 which is extremely illegal AND unconstitutional which constitutes deliberate indifference AND cruel AND unusual punishment that constitutes, False Detention, False imprisonment AND malicious prosecution.

Futhermore the defendant asserts

that his sentence was imposed illegally because the Honorable Allen L. Register Judge was not familiar with his case which Dedee Costello Circuit judge was the presiding judge but was absent on jury selection day for unknown reasons which caused prejudice in my case which if she was present the outcome probably would have been different and defendant would not have been committed to Florida Prison under a bogus, illegal, unconstitutional non existing Florida Statue section 794.011 Attempted Sexual Battery.

Also Honorable Barbara Finch was not the assigned State Attorney to my case and she was not familiar with my case and the lack of evidence to support a conviction and which indeed cause prejudice in my case which Johnathan Dingus was the presiding State Attorney which he knew there is no such statute as 794.011 Attempted Sexual Battery and knew it was illegal and unconstitutional to convict me under an bogus Florida Statue that is why he let someone unfamiliar with my case sentence me she's even



trained in law and knew there was no such statute as 794.011 Attempted Sexual Battery to legally send Defendant to Florida Prison for a 3 year period where the charge if any plea the state demanded should have been simple Battery a misdemeanor

Under U.S. v. Gonzales-Torres, 980 F.2d 788 (1st Cir. 1992); U.S. v. Thomas, 8 F.3d 1552 (11th Cir. 1993) Conviction requires sufficient evidence to support all necessary elements of crime. U.S. v. Tarricone, 11 F.3d 24 (2d Cir. 1993) Commissioner of Northern Mariana Islands v. Mendiolra, 976 F.2d 475 (9th Cir. 1992) Brown v. Borg, 951 F.2d 1011 (9th Cir. 1991) (1) The Prosecuting Attorney represents a sovereign whose obligation in a particular case is not necessarily to win but to do justice. (2) Role of prosecutor is not simply to obtain a conviction but to obtain fair conviction; U.S. v. Garcia-Emanuel, 14 F.3d 1469 (10 Cir. 1994) Evidence presented to support conviction must be substantial; that is, it must do more than raise mere suspicion of guilt Haupt v. Dillard, 17 F.3d 285 (9th Cir. 1997) Right to a fair trial is a basic requirement

Of Due Process and includes right of unbiased judge.

Therefore the State Attorneys and the Judge and Public Defender went on the outside of the scope of their jobs only to get a conviction because it was election time for the State Attorney which caused extreme bias, prejudice, and a complete constitutional violation of the Defendants rights that are clearly shown

See Rule 3.172 (A) I Also Brown v. State, 206 So.2d 377 (Fla. 1968) Ray v. Smith, 463 So.2d 956 (Fla. 1981) State v. Carpenter, 417 So.2d 986 (Fla. 1982) No offense is deemed to be a lesser offense if it carries the same penalty as the crime under consideration. see. Ray v. Smith, 463 So.2d 956 (Fla. 1981) State v. Carpenter, 417 So.2d 986 (Fla. 1982)

See U.S. v. Smith, 912 F.2d 322 (9th Cir. 1990) North Carolina v. Pearce, 89 S.Ct. 2072 (1969)

See U.S. v. Moody, 977 F.2d 1420 (11th Cir. 1992) Becker v. Lockhart, 971 F.2d

172(8th Cir. 1992) Due Process is violated by Criminal Statute when men of ordinary intelligence must guess at meaning of the Statutes. Wherein there is no such statute as F.S. 794.011 Attempted 3<sup>rd</sup> Felon Sexual Battery to support a conviction under statute. Also there is no such statute as 3<sup>rd</sup> F Sexual Battery under F.S. 794.011.

#### Relief

Accordingly, Defendant is entitled to his plea to be withdrawn and all charges against Defendant in this cause be dismissed immediately upon review of this motion. And an immediate emergency release.

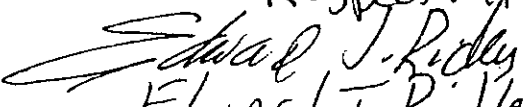
#### CONCLUSION

Defendant should be immediately be granted relief sought

Wherein, Based on the theretofore facts and authorities Defendant has made a prima facie showing that his sentence is extremely illegal as a matter of law. This Honorable Court should enter order to correct illegal sentence immediately.

being served due to actions of this Honorable Court.

See Exhibits (None through (9) Nine

Respectfully Submitted  
 Edward T. Ridley 958659  
Taylor C. I.  
P.O. Box 1728  
G3-202-4  
Perry, FL 32348

## Illegal Charge

Exhibit 7

key notes

1. F.S. 794.011 (4) 1st F.  
Sexual battery; victim 12 years or older,  
Certain circumstances.
2. F.S. 794.011 (2) 1st F.  
Attempted sexual battery on a <sup>victim</sup> person  
less than 12 years of age.
3. F.S. 794.011 (2) Life felon  
Sexual battery; offender younger than  
18 years and commits sexual battery on  
a person less than 12 years.
4. 794.011 (3) Life Felon  
Sexual battery; victim 12 years or  
older, offender uses or threatens to  
use deadly weapon or physical  
force to cause serious injury.
5. 794.011 (5) 2nd° felon  
Sexual battery, victim 12 years or over,  
offender does not use physical force  
likely to cause serious injury.

Exhibit  
8

## Illegal Charge

### Rule 3.510 Determination of Attempts AND Lesser Included Offense key notes

ON AN indictment or information on which  
the defendant is to be tried for ANY offense  
the jury may convict the defendant of:

- (A) AN attempt to commit the offense if such  
attempt is AN offense and is supported  
by the evidence. The judge shall NOT  
instruct the jury if there is NO evidence  
to support the attempt AND the only  
evidence proves A completed offense;

### Rule 3.490 Determination of Degree Of Offense

If the indictment or information  
charges AN offense divided into degrees,  
the jury may find the defendant  
guilty of the offense charged or ANY  
lesser degree supported by the evidence.

The judge shall NOT instruct on ANY  
degree as to which ~~evidence~~ there is  
NO evidence

Oct 1, 1993

page 16

Exib. 79

Illegal Charge

F.S. 794.011 Sexual Battery keynotes

- (1) As used in this Chapter:
- (A) "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission.
- (B) "mentally incapacitated" means temporarily incapable of appraising the nature of his or her conduct.
- (C) "mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.
- (D) "Offender" means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.


## CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing Motion to Correct Illegal Sentence, Has been furnished via institutional U.S. mail, To, Sim Appleman 916 Harrison, Avenue, Panama City, Florida, 32401, Honorable Floyd A. Griffith, Public Defender at 432 Magnolia Ave, Panama City, Fl. 32341 by the undersigned this 28th day of ~~may~~ 1998.

## DECLARATION

I declare under perjury that I Edward T. Ridley, have read the foregoing Motion to Correct Illegal sentence, certificate of service and add that I am still indigent. I am the defendant and the foregoing is true to the best of my knowledge

Executed this 28th day of MAY 1998

Sincerely,  
  
Edward Tyrone Ridley 958659



IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

Case No. 95-2844

EDWARD TYRONE RIDLEY,  
Defendant,

ORDER DENYING MOTION TO CORRECT AN ILLEGAL SENTENCE

HAVING considered the Defendant' pro se Motion To Correct An Illegal Sentence, pursuant to Rule 3.800(a), Fla.R.Crim.P., filed on June 1, 1998, court file/record and being fully advised, the Court hereby finds:

1. Defendant alleges that his is sentence is illegal based on the following, 1) attempted sexual battery is not an offense under section 794.011, Fla.Stat.; 2) Judge Allen Register was not familiar with his, "which [Judge] Dedee Costello . . . was the presiding judge but was absent on jury selection day for unknown reasons which caused prejudice in [his] case which if [Judge Costello] was present the outcome probably would have been different . . ."; and 3) ASA Barbara Finch was "not the assigned state attorney (sic) to [his] case and she was not familiar with [his] case . . . [ASA] Johnathan Dingus (sic) was the presiding state attorney (sic) which he knew there is no such statute as 794.011 attempted sexual battery . . . ."

2. First, issues #2 and #3 are not proper for a rule 3.800(a) motion therefore, they are dismissed.

3. Next, the Court takes judicial notice that the offense of attempted sexual battery (3d-degree felony) is a lesser offense of sexual battery (2d-degree felony), pursuant to Fla.Stat. 794.011(5). The record clearly shows that the defendant was informed that he had violated Fla.Stat.

**POSTED**

794.011(5), which is a 2d-degree felony that is punishable up to 15 years imprisonment. (See attached Plea and Sentencing Hearing Transcript, pg. 12, filed 8/26/96). However, the state offered defendant a plea for the lesser offense of attempted sexual battery (3d-degree felony), which is punishable up to five years DOC. As a result, defendant accepted the plea and was sentenced to three years DOC. In Davis v. State, 661 So.2d 1193 (Fla. 1995), our supreme court held that an illegal sentence is one that exceeds the maximum period set forth by law for a particular offense without regards to the guidelines. Defendant's three-year sentence does not exceed the five-year period set forth by law for a 3d-degree felony. It is therefore,

**ORDERED AND ADJUDGED** that the Defendant's motion is summarily **DENIED**.

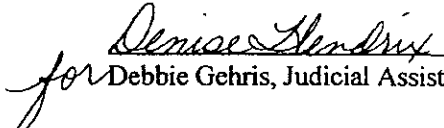
**DONE AND ORDERED** in Chambers at Panama City, Bay County, Florida this 8  
day of June, 1998.

  
**DEDEE S. COSTELLO**  
**CIRCUIT JUDGE**

**Attachment:**

Plea and Sentencing Hearing Transcript, pg. 12, filed on 8/26/96

**I HEREBY CERTIFY** that a true and exact copy of the foregoing has been provided by U.S. Mail to Edward Tyrone Ridley, DC #958659, Taylor Correctional Institution, P.O. Box 1728, Perry, FL 32348 and Jonathan Dingus, ASA, P.O. Box 1040, Panama City, FL 32402 this 9 day of June, 1998.

  
for **Debbie Gehris, Judicial Assist.**

Volume   7  

Dca # 96-3228

530

IN THE CIRCUIT COURT, FOURTEENTH  
JUDICIAL CIRCUIT OF THE STATE OF  
FLORIDA, IN AND FOR BAY COUNTY

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: 95-2844

EDWARD TYRONE RIDLEY,

Defendant.

**RECEIVED**

SEP 11 1996

PUBLIC DEPT. CLERK  
2nd JUDICIAL CIRCUIT

\* \* \*

The following pages constitute the PLEA AND SENTENCING  
on the 29th day of July, 1996, in the above-styled cause, heard before  
the Honorable Allen L. Register, Acting Circuit Judge, at the Bay  
County Courthouse, Panama City, Florida. Taken before Rebecca Ann  
Akins, a Judicial Court Reporter in and for the State of Florida at  
Large.

\* \* \*

REBECCA ANN AKINS  
JUDICIAL COURT REPORTER



IN THE FOURTEENTH JUDICIAL CIRCUIT COURT  
IN AND FOR BAY COUNTY FLORIDA

EDWARD T. RIDLEY,  
Petitioner.

VS.

95-2844-H-Div.

STATE OF FLORIDA,  
Respondent,

MOTION TO DISMISS INFORMATION

COMES NOW Petitioner Edward T. Ridley  
pro se' pursuant to F.A. R.Crim. P. 3.190(B)(4)  
AND MOVES this Court to Dismiss Information  
AND Grounds AS follow:


1) There are no material disputed facts and the undisputed facts do not establish a prima facie cause of guilt against the Defendant / Petitioner to support A Conviction under F.S. 794.011 Attempted Sexual Battery where the Alleged victim is over the age of 18. see F.S. 794.011(2)(A)(B)(8)(A) Which is no. F.S. to support A conviction in this case per F.S. And the age of the Alleged victim, or 794.011 (A)-(J) (1995-1997)

**POSTED**

CS

WHEREFORE Petitioner has clearly shown  
why Information need to be Dismissed. Petitioner  
PRAY this Honorable Court Grant Petition in its  
entirety. Petitioner has a liberty interest at  
Stake.

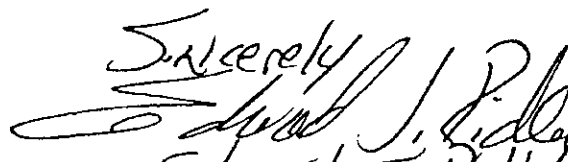
Executed this 8th day of June 1998,

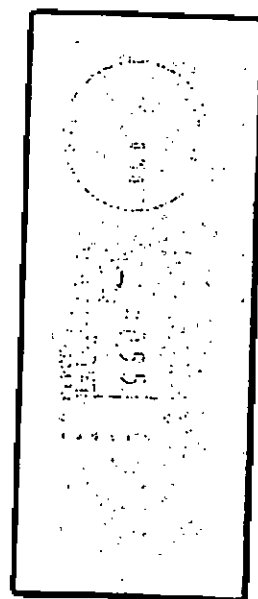
Respectfully Submitted  
 Edward T. Ridley 958659  
Edward T. Ridley 958659  
Taylor C.I.  
63-202-Upper  
P.O. BOX 1728  
Perry, Fla. 32368

Proof of service

I Edward T. Ridley under perjury declare  
I mailed a handwritten copy of the foregoing  
motion to Dismiss Information via U.S. Mail,  
Postage prepaid to Jim Appleman, State Attorney,  
910 Harrison Avenue, Panama City, Fl. 32402,

Executed this 8th day of June 1998

Sincerely,  
 J. Ridley 958659  
Edward T. Ridley 958659  
~~Pro~~ Pro se Affiant





**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA**

**STATE OF FLORIDA,  
Plaintiff,**

vs.

**EDWARD T. RIDLEY,  
Defendant,**


Case No. 95-2844

**ORDER DENYING MOTION TO DISMISS INFORMATION**

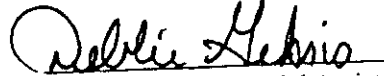
HAVING considered the Defendant's Motion To Dismiss Information filed on June 9, 1998, court file/records and being fully advised it is,

**ORDERED AND ADJUDGED** that the Defendant's motion is hereby **DENIED**.

**DONE AND ORDERED** in Chambers at Panama City, Bay County, Florida this 17 day of June, 1998.

  
**DEDEE S. COSTELLO  
CIRCUIT JUDGE**

**I HEREBY CERTIFY** that a true and exact copy of the foregoing has been provided by U.S. Mail to Edward T. Ridley, DC #958659, Taylor Correctional Institution, G3-2020, P.O. Box 1728, Perry, FL 32348 this 17 day of June, 1998.

  
Debbie Gehris, Judicial Assist.

**POSTED**

IN THE FOURTEENTH JUDICIAL CIRCUIT COURT  
IN AND FOR BAY COUNTY FLORIDA

EDWARD T. RIDLEY,  
Petitioner,

Filed 6-16-98

VS  
STATE OF FLORIDA,  
Respondent,

95-2844-H-Div.

---

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Edward T. Ridley, prose, pursuant to  
FLA.R.App.P. Rule 9.100 and respectfully petitions this  
Honorable Court for a writ of Habeas Corpus Directed to  
the Respondent(s) and in support thereof Petitioner  
submits the following:

BASIS FOR INVOKING JURISDICTION

1) This Court has jurisdiction to issue a writ of habeas  
Corpus under FLA. Const. Art. sec. 5(B)(3); FLA.R.App.P. Rule  
9.030(C)(3) AND FLA.Stat. sec. 79.01.

2) Petitioner is a state prisoner at Taylor Correctional Inst  
in the custody of the State of Florida.

**POSTED**

GS

Respondent(s) are the State of Florida c/o Jim  
(1)

Appellate State Attorney.

STATEMENT OF THE CASE AND FACTS

4). ON December 12, 1995 Petitioner was Arrested for 794.011(5)

5). ON July 29, 1996 Petitioner was coerced into pleading Nolo Contendere to 794.011 3<sup>rd</sup> Attempted Sexual Battery wherein the state offered a 3 year deal on July selection day finger penetration only, without evidence to support a conviction under the above statute

6). ON June 9, 1998 Petitioner filed a motion to Expedite Proceedings.

7). ON June 9, 1998 Petitioner filed A second Amended Added Information to correct AN Illegal sentence.

8). ON MAY 28, 1998 Petitioner filed a motion to correct AN Illegal sentence.

9). ON June 8, 1998 Petitioner filed a motion to dismiss information

10). ON June 9, 1998 Petitioner filed a motion to Compel Emergency AND Immediate answer to Petitioners motion to correct AN illegal sentence.

## ARGUMENT

11). Petitioner after close review of F.S. 794.011 Attempted Sexual Battery. Petitioner find that there is no 3<sup>rd</sup> Felon F.S. 794.011 (1995) or (1997) Attempted Sexual Battery where the alleged victim is over 18 years of age. Petitioner is being falsely imprisoned maliciously by the State of Florida with corrupt and improper motives. The "ONLY" Attempted Sexual Battery pursuant to F.S. is 794.011 (2) (A)(B) which are either a capital felon or life felon which Petitioner suppose to plead to a 3<sup>rd</sup> Degree Attempted Sexual Battery pursuant to F.S. 794.011 which is not an Attempted Sexual Battery "Only Sexual Battery" which is a second degree felon" not the Petitioner's Plea Agreement. F.S. 794.011 is illegal and unconstitutional where Petitioner is charged with a Third Degree Felon pursuant to F.S. 794.011.

12). The only lesser included offense where the alleged victim is over the age of 18 would properly be F.S. 800.02 UNNATURAL AND LASCIVIOUS ACT if supported by evidence. F.S. (1995) & (1997).

13). Petitioner has served 2 1/2 years and counting at this moment. Petitioner is being illegally detained. This motion when reviewed pursuant to F.S. 794.011 would GRANT Petitioner an Immediate Emergency Release Due to Corrected Statute pursuant to (3)

F.S. 800.02 UNNATURAL AND LASCIVIOUS ACTS A second degree misdemeanor which is not a prison sentence.

13). Petitioner has no other remedy at law left for immediate review of the claims set forth in petition. However Respondent(s) has Deliated from the essential requirements of law and violated Petitioners protected Liberty interests by improperly sentencing Petitioner under a void F.S. which is not supported as a lesser included offense pursuant to F.S. 794.011 and F.S. 794.011 (2)(A)(B).


14) Petitioner asserts that Respondents has fasly imprisoned, Detained and maliciously prosecuted the Petitioner under A void F.S. 794.011 third Degree Attempted Sexual Battery, which clearly violates Petitioners First, Fourth, Fifth, Eighth and Fourteenth Amendments to the U.S. Constitution.

### RELIEF

WHEREFORE the Court should Immediately within 10 days of receipt of this motion issue a Rule or show cause order upon the respondent(s) to file a immediate response and show cause if any, why the Petition of Writ of Habeas Corpus should not be issued and Require Petitioner

be GRANTED AN Emergency Immediate Release  
pursuant to F.S. 800.02 AND time served.

Executed this 15th day of June, 1998

Respectfully Submitted  
 Edward T. Ridley DC-958659  
Edward T. Ridley DC-958659  
Taylor C.I.  
63-202-Upper  
P.O. Box 1728  
Perry, Fla. 32348.

**§ 921.0011 CRIMINAL PROCEDURE & CORRECTIONS Title 47**

sentencing. Only one count of one offense before the court for sentencing shall be classified as the primary offense.

(3) "Prior record" means a conviction for a crime committed by the offender, as an adult or a juvenile, prior to the time of the primary offense. Convictions by federal, out-of-state, military, or foreign courts, and convictions for violations of county or municipal ordinances that incorporate by reference a penalty under state law, are included in the offender's prior record. Convictions for offenses committed by the offender more than 10 years before the primary offense are not included in the offender's prior record if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense. Juvenile dispositions of offenses committed by the offender within 3 years before the primary offense are included in the offender's prior record when the offense would have been a crime had the offender been an adult rather than a juvenile. Juvenile dispositions of sexual offenses committed by the offender which were committed 3 years or more before the primary offense are included in the offender's prior record if the offender has not maintained a conviction-free record, either as an adult or a juvenile, for a period of 3 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense.

(6) "Community sanction" includes:

- (a) Probation.
- (b) Community control.
- (c) Pretrial intervention or diversion.

(7) "Victim injury" means the physical injury or death suffered by a person as a direct result of the primary offense, or any offense other than the primary offense, for which an offender is convicted and which is pending before the court for sentencing at the time of the primary offense. If the conviction is for an offense involving sexual contact which includes sexual penetration, the sexual penetration must be scored as a severe injury regardless of whether there is evidence of any physical injury. If the conviction is for an offense involving sexual contact which does not include sexual penetration, the sexual contact must be scored as a moderate injury regardless of whether there is evidence of any physical injury. If the victim of an offense involving sexual contact suffers any physical injury as a direct result of the primary offense or any other offense committed by the offender resulting in conviction, such physical injury must be scored separately and in addition to the points scored for the sexual contact or the sexual penetration.

**Historical and Statutory Notes**

Derivation:  
Laws 1995, c. 95-184, § 4,  
Laws 1993, c. 93-417, § 2,  
Laws 1993, c. 93-406, § 9.

**SENTENCE § 921.0012**

that date, section 921.0011, Florida Statutes, is created to read:

Laws 1993, c. 93-417, § 2, eff. Nov. 24, 1993,  
in the definition of "release program," added:  
"including emergency control release" as the end  
of part (b).

Laws 1995, c. 95-184, § 4, eff. June 8, 1995,  
in subsection (1), in the introductory language,  
deleted "violation," and substituted "mean an  
offender's status if the offender "for "includer",  
in part; (3) through (c), substituted semicolon  
for periods at the end of each paragraph, in part;  
(a), substituted "Escaped" for "Flight"; in part;  
part; (b), substituted "Failure" for "Failure" and  
(c), substituted "Violation" for "Violation of" and  
substituted "for a period at the end of the paragraph,  
and added part; (e) through (g); in subsection (6),  
substituted "Community sanction" for "Release  
program," deleted former part; (a), (b) and (f)  
through (i), which had read:

(a) Parole;  
(b) Control release, including emergency  
control release;  
(d) Provisional release supervision;  
(e) Conditional release supervision;  
(f) Supervised community release supervision;  
(g) Conditional medical release supervision;  
and redesignated former part; (c), (d) and (e)  
as parts (a), (b) and (c), respectively.

The introductory paragraph of Laws 1995, c.  
95-184, § 4, eff. June 8, 1995, provided in part  
for applicability to sentencing for offenses com-  
mitted on or after October 1, 1995.

**§ 921.0012. Sentencing guidelines offense levels: offense severity ranking chart**

(1) A single offense severity ranking chart must be used to compute a sentence score for each felony offender.

(2) The offense severity ranking chart has 10 offense levels, ranked from least severe to most severe, and each felony offense is assigned to a level according to the severity of the offense.

**(3) OFFENSE SEVERITY RANKING CHART**

Florida Statute	Felony Degree	Description
24.18(3)(a)	3rd	(a) LEVEL 1 Counterfeit or altered state lottery ticket.
212.05(2)(b)	3rd	Discretionary sales surtax: limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
322.21(2)(1)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license.
322.21(2)(4)	3rd	Supply or aid in supplying unauthorized driver's license.
322.21(2)(5)	3rd	False application for driver's license.
370.13(4)(a)	3rd	Molest any stone crab trap, line, or buoy which is property of licensee/holder.
370.13(5)(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licensee/holder.
372.60(3)(1)	3rd	Poach any alligator or crocodile.
409.32(2)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.

§ 921.0012

CRIMINAL PROCEDURE & CORRECTIONS  
Title 47

Florida Statute	Felony Degree	Description
409.125(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official; value more than \$200.
443.071(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
458.127(1)(a)	3rd	Unlicensed practice of medicine.
466.026(1)(a)	3rd	Unlicensed practice of dentistry or dental hygiene.
509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
517.302(1)	3rd	Violation of the Florida Securities and Investor Protec-
562.27(1)	3rd	tion Act.
713.69	3rd	Possess skill or still apparatus.
812.014(3)(c)	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
812.081(2)	3rd	Petit theft (3rd conviction); theft of any property not specified in this or causes to be made a reproduction of a trade secret.
815.06(4)(a)	3rd	Offense against intellectual property (i.e., computer program, data).
817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
826.01	3rd	Bigamy.
828.122(3)	3rd	Fighting or baiting animals.
831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
832.04(1)	3rd	Stopping payment with intent to defraud \$150 or more.
832.05(2)(b) & (4)(c)	3rd	Knowing, making, leaving worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.015(3)	3rd	Barbery.
838.06(1)	3rd	Public servant receiving unlawful compensation.
838.15(2)	3rd	Commercial bribery.
838.16	3rd	Fleeing by boat to elude a law enforcement officer.
839.18	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
847.011(1)(a)	3rd	Keeping gambling house.
849.01	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.091(a)-(d)	3rd	Gambling-related machines; "common offender" as to property rights.
849.23	3rd	Engaging in bookmaking.
849.25(2)	3rd	Interfere with a railroad signal.
860.08	3rd	Operate aircraft while under the influence.
860.13(1)(a)	3rd	Purchase of cannabis.
893.13(2)(a)2.	3rd	Possession of cannabis (more than 20 grams).
893.13(6)(c)	3rd	Atfix false or forged label to package of controlled substance.
893.137(3)(a)10.	3rd	Intercept, or procures any other person to intercept, any wire or oral communication.
914.031(a)	3rd	

SENTENCE  
Ch. 921

§ 921.0012

Florida Statute	Felony Degree	Description
403.112(5)(c)	3rd	(b) LEVEL 2 Dump waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
590.28(1)	3rd	Willful, malicious, or intentional burning.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, lake, estate, etc., minor beyond state limits.
806.131(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.091(2)(c)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree, \$300 or more but less than \$5,000.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
817.54	3rd	Failure to redeliver hired vehicle.
817.55(3)	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery, purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills or promissory note.
831.08	3rd	Possession of 10 or more forged notes.
831.09	3rd	Uttering forged bills; passes as bank bill or promissory note.
832.05(1)(a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely apprehending an officer.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c), (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
919.061	3rd	(c) LEVEL 3 Escape from juvenile facility (secure detention or residential commitment facility).
919.20(4)	3rd	Possession by juvenile of motor vehicle with identification number plate removed.
919.331(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
919.331(1)(c)	3rd	Procure or pass title on stolen vehicle.
919.331(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
928.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.



# § 921.0012

## CRIMINAL PROCEDURE & CORRECTIONS Title 47

Florida Statute 328.07(4)	Felony Degree 3rd	Description
376.30(2)(5)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
501.001(2)(b)	2nd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
697.08	3rd	Tamper with a consumer product or the container using materially false/misleading information.
790.15(3)	3rd	Equity skimming.
796.05(1)	3rd	Person directly another to discharge firearm from a vehicle.
806.10(1)	3rd	Live on earnings of a prostitute.
806.10(2)	3rd	Malevolently injure, destroy, or interfere with vehicles or equipment used in firefighting.
810.09(2)(c)	3rd	Interfere with or assault firefighter in performance of duty.
812.014(2)(c)1.	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
815.04(2)(b)	2nd	Grand theft, \$5,000 or more but less than \$10,000.
817.034(4)(a)3.	3rd	Computer offense devised to defraud or obtain property.
817.233	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
828.12(2)	3rd	Burning to defraud insurer.
831.29	2nd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
838.031(3)(b)	3rd	Possession of instruments for counterfeiting drivers' license.
838.19	3rd	Threatens unlawful harm to public servant.
870.01(2)	3rd	Injure, disable, or kill police dog on horse.
893.13(1)(a)2.	3rd	Riot: inciting or encouraging.
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.031)(c), (2)(c), (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.031)(c), (2)(c), (3), or (4) drugs within 200 feet of university, public housing facility, or public park.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on Florida driver or record required by chapter 893.
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
944.4711(a)1--2.	3rd	Introduce contraband to correctional facility.
944.4711(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

(d) LEVEL 4  
 231.06(2) Battery of school employee.  
 240.38(1)(2) Battery of community college security officer.  
 316.19(5)(2) Fleeing or attempting to elude law enforcement officer resulting in high-speed pursuit.  
 381.0025(4)(b) Battery of HRS employee.  
 401.41(2)(b) Battery on emergency medical services personnel.

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# § 921.0012

## CRIMINAL PROCEDURE & CORRECTIONS Title 47

Florida Statute 784.072(b)	Felony Degree 3rd	Description
784.075	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.
784.08(2)(c)	3rd	Battery on detention or commitment facility staff.
787.03(1)	3rd	Battery on a person 65 years of age or older.
787.04(2)	3rd	Interference with custody: wrongly takes child from appointed guardian.
787.04(3)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
790.11(1)	3rd	Carrying child beyond state limits with criminal intent to avoid producing child at custody hearing or delivering to designated person.
790.11(2)(b)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.11(2)(c)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
810.024(a)	3rd	Possessing firearm on school property.
810.024(b)	3rd	Burglary, or attempted burglary, of an unoccupied structure: unarmed; no assault or battery.
810.06	3rd	Burglary, or attempted burglary, of an unoccupied conveyance: unarmed; no assault or battery.
810.08(2)(c)	3rd	Burglary: possession of tools.
812.014(2)(c)3.	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)4.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
817.55(3)(1)	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
828.12(5)(1)	2nd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.031)(5) drugs, kill, maim, or cause great bodily harm or permanent breeding disability in any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.02(1)(1)	3rd	Make contradictory statements in official proceedings.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (blood extrusion or bond jumping).
893.13(2)(a)1.	2nd	Purchase of cocaine for other s. 893.031)(3a), (b), or (d), or (2)(c) or (b) drugs.
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.22(2)	3rd	Rehabilitation against a witness, victim, or informant, no bodily injury.
918.12	3rd	Tampering with juror.

(e) LEVEL 5  
 316.02311(a) Accidents involving personal injuries, failure to stop, leaving scene.  
 316.19(5)(3) Aggravated fleeing or eluding.  
 322.33(4) Careless operation of motor vehicle with suspended license, resulting in death, or serious bodily injury.  
 381.00411(1)(b) Donate blood, plasma, or organs knowing HIV positive.

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CRIMINAL PROCEDURE & CORRECTIONS  
Title 47

Florida Statute	Felony Degree	Description
790.01(2)	3rd	Carrying a concealed firearm.
790.152	2nd	Threat to throw or discharge destructive device.
790.153	2nd	False report of deadly explosive
790.154(1)	2nd	False report of deadly explosive or act of arson or violence to state property.
790.155(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
790.22(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
806.11(1)	3rd	Possess, manufacture, or dispose fire bomb with intent to damage any structure or property.
812.01(9)(1)	2nd	Stolen property; dealing in or trafficking in.
817.03(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
827.07(14)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.01	3rd	Resist officer with violence to his person; resist arrest with violence.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (for other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs).
893.13(1)(a)2.	2nd	Sell, manufacture, or deliver cannabis (for other s. 893.03(1)(a), (2)(c), (3), or (4) drugs) within 1,000 feet of a school.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (for other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) drugs) within 200 feet of university, public housing facility, or public park.
893.13(4)(b)	2nd	Deliver to minor cannabis (for other s. 893.03(1)(a), (2)(c), (3), or (4) drugs).
944.35(3)	3rd	Inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
951.075	2nd	Priisoner commits assault or battery.

(f) LEVEL 6

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Florida Statute	Felony Degree	Description
794.01(6)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful carnal intercourse with unmarried person under 18 or previous chaste character.
806.03(12)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
812.01(4)(2)(b)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
812.13(2)(c)	2nd	Robbery; no firearm or other weapon (strong-arm robbery).
817.03(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult, and property is valued at less than \$20,000.
827.07(12) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.
843.12	3rd	Aids or assists person to escape.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.40	2nd	Escapes.
944.45	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosives) into correctional facility.
951.22(1)	3rd	Introducing drug, firearm, or weapon introduced into county facility.

(g) LEVEL 7

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316.193(3)(a)2.	3rd	DUI resulting in serious bodily injury.
494.001(8)(2)	1st	Conviction of any violation of ss. 494.001-494.007 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
782.07	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	3rd	Killing of human being by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072(1)	3rd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrating aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; restraining with purpose other than those in s. 787.01.
784.042(4)(a)	1st	Discharging firearm or weapon on school property.
784.072(3)(d)	1st	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.07(4)	1st	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

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## CRIMINAL PROCEDURE & CORRECTIONS TITLE 47

Florida Statute	Felony Degree	Description
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
796.03	2nd	Procuring any person under 16 years for prostitution.
800.04	2nd	Handic, fondle, or assault child under 16 years in lewd, lascivious or indecent manner.
806.01(2)	2nd	Maleficious damage dwelling, unarmed; no assault or battery.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(c)¹	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
812.01(4)(2)(a)	1st	Burglary of occupied conveyance; unarmed; no assault or battery; valued at \$100,000 or more; 1st degree grand theft.
812.01(9)(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.13(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
825.10(2)(2)	3rd	Abusing or neglecting an elderly person or disabled adult.
825.10(2)(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
827.04(1)	3rd	Deprive child of necessities causing great bodily harm or disfigurement.
893.13(1)(c)¹.	1st	Sell, manufacture, or deliver cocaine for other s. 893.03(1)(a), (1)(b), (1)(c), (1)(d), (2)(a), or (2)(b) drugs within 1,000 feet of a school.
893.13(4)(a)	1st	Deliver to minor cocaine for other s. 893.03(1)(a), (1)(b), (1)(c), (1)(d), (2)(a), or (2)(b) drugs.
893.13(5)(a)¹.	1st	Trafficking in cannabis, more than 100 lbs., less than 2,000 lbs.
893.13(5)(b)¹.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.13(5)(c)¹.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.13(5)(d)¹.	1st	Trafficking in phenocyclidine, more than 28 grams, less than 200 grams.
893.13(5)(e)¹.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.13(5)(f)¹.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

### (h) LEVEL 8

- 316.19(3)(c)³. DUI manslaughter.
- 777.03(2)(b)¹. Accessory after the fact, capital felony.
- 782.04(4)¹. Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy or unlawfully discharging bomb.
- 782.07(1)(2)¹. Committing vehicular homicide and willfully failing to stop, leaving scene.
- 782.07(2)(2)¹. Committing vessel homicide and willfully failing to stop, leaving scene.

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Florida Statute	Felony Degree	Description
790.16(1)(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
794.01(1)(5)	2nd	Sexual battery; victim 12 years or over; offender does not use physical force likely to cause serious injury.
806.01(1)¹	1st	Maleficious damage dwelling or structure by fire or explosive; building person in structure.
810.02(2)(a)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
812.13(2)(b)	1st	Robbery with a weapon.
812.13(2)(2)	1st	Home-invasion robbery.
825.10(2)(1)	2nd	Abusing or neglecting an elderly person or disabled adult and causes harm, disfigurement, or disability.
825.10(2)(2)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
825.10(2)(3)(a)	1st	Commit aggravated battery on a child.
827.03(2)	2nd	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.12(1)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
860.16	1st	Attempted piracy.
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
893.13(6)(c)².	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.13(5)(a)².	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.13(5)(b)¹, b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.13(5)(c)².	1st	Trafficking in phenocyclidine, more than 200 grams, less than 400 grams.
893.13(5)(d)².	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
893.13(5)(e)².	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
895.03(1)¹	1st	Use or invest proceeds derived from pattern of racketeering activity.
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

### (i) LEVEL 9

- 782.04(1)¹. Attempted premeditated murder.
- 782.04(3)¹. Attempted premeditated murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
- 787.01(1)(3)(a)¹. Kidnapping; hold for ransom or reward or as a shield or hostage.
- 787.01(1)(3)(b)¹. Kidnapping with intent to commit or facilitate commission of any felony.

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§ 921.0012

CRIMINAL PROCEDURE & CORRECTIONS  
TITLE 47

Florida Statute	Penalty Degree	Description
787.01(1)(a)4.	1st, PBL	Kidnaping with intent to interfere with performance of any governmental or political function.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
790.161	1st	Attempted capital destructive offense.
794.01(1)(2)	1st	Attempted sexual battery; victim less than 12 years of age.
794.01(1)(3)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years of age.
794.01(1)(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.01(1)(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
812.13(2)(b)	1st, PBL	Carjacking; firearm or other deadly weapon.
847.01(4)(5)(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
847.01(4)(5)(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135(1)(c)1.c.	1st	Trafficking in illegal drugs; more than 28 grams, less than 30 kilograms.
893.135(1)(d)3.	1st	Trafficking in phenylephrine, more than 400 grams.
893.135(1)(e)3.	1st	Trafficking in methamphetamine, more than 25 kilograms.
893.135(1)(f)3.	1st	Trafficking in amphetamine, more than 200 grams.

Florida Statute	Penalty Degree	Description
782.06(2)	1st, PBL	Unlawful killing of human; act is homicide, imprisoned.
787.01(1)(a)3.	1st, PBL	Kidnaping; inflict bodily harm upon or terrify victim.
787.01(3)(a)	Life	Kidnaping; child under age 13; perpetrator also commits child abuse, sexual battery, lewd, or lascivious act, etc.
794.01(1)(3)	Life	Sexual battery; victim 12 years or older, offender uses or threatens to use deadly weapon or physical force to cause serious injury.
876.32	1st	Treason against the state.

Derivations:  
Laws 1995, c. 95-184, § 5.  
Laws 1995, c. 95-150, § 10.

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Florida Statute	Penalty Degree	Description
787.01(1)(a)4.	1st	Effective January 1, 1994, and applicable to sentencing for offenses committed on or after that date, section 921.0012, Florida Statutes, is created to read: "
790.161	1st	Laws 1994, c. 94-307, § 3, eff. July 1, 1994, and applicable to offenses committed on or after that date, added provision for trespassing on posted commercial, horticulture property under § 810.09(2)(c) as a level 2, 3rd degree offense.
794.01(1)(2)	1st	Laws 1995, c. 95-158, § 19, eff. July 1, 1995, in the Offense Severity Ranking Chart, deleted from Level 5 an offense of 415.11(1)(5), added to Level 6 an offense of 825.10(2)(6), deleted from Level 7 an offense of 415.11(1)(3), added to Level 7 offenses of 825.10(2)(7) and 825.10(2)(8), added to Level 8 the offense of 825.10(2)(1) and 825.10(2)(3).
812.13(2)(a)	1st	Laws 1995, c. 95-184, § 5, eff. June 8, 1995, reworded this section which formerly read: "A single offense severity ranking chart must be used to compute a sentence score for each felony offender. The offense severity ranking chart has 10 offense levels, ranked from least severe to most severe, and each felony offense is assigned to a level according to the severity of the offense."

Derivations:  
Laws 1994, c. 94-307, § 3.  
Laws 1995, c. 95-158, § 19.  
Laws 1995, c. 95-184, § 5.

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**CRIMINAL PROCEDURE & CORRECTIONS**  
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mitted on

## of Decisions

## 1. References

Defendant's incoherently stated narrative for listed, severity level for crime should have been aggravated battery on a child would be vacated sentenced differently as well. *Jenkins v. State*, App. 4 Dist. 661 So 2d 411 (1995).

**921.0013. Sentencing guidelines; ranking unlisted felony offenses.**

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Florida Statute	Degree	Description
794.01(1)(2)	1st	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years of age.
794.01(1)(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
794.01(1)(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial relationship.
812.13(2)(a)	1st	PBL: Deadly weapon or other deadly weapon.
812.13(3)(2)(a)	1st	PDL: Carrying a firearm or other deadly weapon.
847.01(45)(1)	1st	Selling or otherwise transferring custody or control of a minor.
847.01(45)(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
859.01	1st	Poisoning food, drink, medicine, or water with intent to kill or injure another person.
893.135	1st	Attempted capital trafficking offense.
893.135(1)(a)(3)	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1)(b)(1).c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1)(c)(1).c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135(1)(a)(3)	1st	Trafficking in phenylephrine, more than 400 grams.
893.135(1)(e)(3)	1st	Trafficking in methamphetamine, more than 25 kilograms.
893.135(1)(j)(3)	1st	Trafficking in amphetamine, more than 200 grams.
782.04(2)	(f) LEVEL: 10	Unlawful killing of human; act is homicide, unpremeditated.
787.01(1)(a)(3)	1st; PBL: Kidnapping; inflic. bodily harm upon or terrorize victim.	
787.01(2)(3)(a)	Life	Kidnapping; child under age 13; perpetrator also commits child abuse; sexual battery; lewd, or lascivious act, etc.
794.01(1)(3)	Life	Sexual battery; victim 12 years or older; offender uses or threatens to use deadly weapon or physical force to cause serious injury.
1st	Treason against the state	

Level	Primary Offense	Total
10	116	"
9	92	"
8	74	"
7	56	"
6	36	"
5	28	"
4	22	"
3	16	"
2	10	"
1	4	"
Total		

Level	Additional Offenses	Total
10	58	"
9	46	"
8	37	"
7	28	"
6	18	"
5	18	"
4	5.4	"
3	3.6	"
2	2.4	"
1	1.2	"
0	0.7	"
M	0.2	"

921.0013. Sentencing guidelines; ranking unfixed felony offenses.—A felony offense not listed in s. 921.0012 is ranked with respect to offense severity level by the Legislature, commensurate with the harm or potential harm that is caused by the offense to the community. Prior to the time the Legislature ranks an offense which has not been ranked, the severity level is within the following parameters:

- (1) A felony of the third degree within offense level 1.
- (2) A felony of the second degree within offense level 4.
- (3) A felony of the first degree within offense level 7.
- (4) A felony of the first degree punishable by life within offense level 9.
- (5) A life felony within offense level 10.

History.—11, 12, 30, 30S.

921.0014. Sentencing guidelines; worksheet.com.—(1) The sentencing guidelines worksheet is used to compute the subtotal and total sentence points as follows:

FLORIDA SENTENCING GUIDELINES WORKSHEET

OFFENSE SCORE

Level	Victim Injury	Number	Total
2nd degree murder-	240	x	=
Death	120	x	=
Severe Sexual	40	x	=
Sexual Penetration	80	x	=
Moderate Sexual	10	x	=
Sexual Contact	40	x	=
Slight	4	x	=
			<b>Total</b>
Primary Offense + Additional Offenses + Victim Injury =			
TOTAL OFFENSE SCORE			
PRIOR RECORD SCORE			
Level	Prior Record	Number	Total
10	29	x	=
9	23	x	=
8	19	x	=
7	14	x	=
6	9	x	=
5	3.6	x	=
4	2.4	x	=
3	1.6	x	=
2	0.8	x	=
1	0.5	x	=
M	0.2	x	=
			<b>Total</b>
TOTAL OFFENSE SCORE			
TOTAL PRIOR RECORD SCORE			
LEGAL STATUS			
COMMUNITY SANCTION VIOLATION			
PRIOR SERIOUS FELONY			
PRIOR CAPITAL FELONY			
FIREARM OR SEMIAUTOMATIC WEAPON			
SUBTOTAL			
VIOLENT CAREER CRIMINAL (no/yes)			
VIOLENT HABITUAL OFFENDER (no/yes)			
HABITUAL OFFENDER (no/yes)			
DRUG TRAFFICKER (no/yes) (x multiplier)			
LAW ENF. PROTECT. (no/yes) (x multiplier)			
MOTOR VEHICLE THEFT (no/yes) (x multiplier)			
TOTAL SENTENCE POINTS			

WORKSHEET KEY.



Law enforcement protection: If the primary offense is a violation of the Law Enforcement Protection Act under s. 775.0823(2), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(3), (4), (5), (6), (7), or (8), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(9) or (10), then the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender's prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

(2) Recommended sentences:

If the total sentence points are less than or equal to 40, the recommended sentence shall not be a state prison sentence; however, the court, in its discretion, may increase the total sentence points by up to, and including, 15 percent.

If the total sentence points are greater than 40 and less than or equal to 52, the decision to incarcerate in a state prison is left to the discretion of the court.

If the total sentence points are greater than 52, the sentence must be a state prison sentence calculated by total sentence points. A state prison sentence is calculated as follows:

State prison months = total sentence points minus 28.

The recommended sentence length in state prison months may be increased by up to, and including, 25 percent or decreased by up to, and including, 25 percent, at the discretion of the court. The recommended sentence length may not be increased if the total sentence points have been increased for that offense by up to, and including, 15 percent. If a recommended sentence under the guidelines exceeds the maximum sentence otherwise authorized by s. 775.082, the sentence recommended under the guidelines must be imposed absent a departure.

If the total sentence points are equal to or greater than 363, the court may sentence the offender to life imprisonment. An offender sentenced to life imprisonment under this section is not eligible for any form of discretionary early release, except pardon, executive clemency, or conditional medical release under s. 947.149.

(3) A single guidelines scoresheet shall be prepared for each defendant, except that if the defendant is before the court for sentencing for more than one felony and the felonies were committed under more than one version or revision of the guidelines, separate scoresheets must be prepared pursuant to s. 921.001(4)(b). The scoresheet or scoresheets must cover all the defendant's offenses pending before the court for sentencing. Either the office of the state attorney or the Department of Corrections, or both where appropriate, shall prepare the scoresheet or

scoresheets, which must be submitted to the judge or judge directs otherwise. The scoresheets must be approved by the sentencing judge.

(4) The Department of Corrections shall submit the revised sentence scoresheet to the Sentencing Commission necessary. Following the S the revised procedures, the shall produce and provide revised scoresheets to the c no later than September 30

(5) The clerks of the circuit courts shall distribute sufficient guidelines scoresheets with the responsibility for preparing scoresheets, either the or the Department of Corrections.

(6) The clerk of the circuit court shall prepare, complete, accurate, and legible scoresheet utilized in each proceeding to the Department of Corrections must be transmitted no less than the first of each month, and

(7) A copy of the individual guidelines scoresheet and compared pursuant to Rule 3.70 Procedure, must be attached to the judgment and sentence for the Department of Corrections.

History.—s. 12, ch. 93-406; s. 6, ch. 95-104. Section 6, ch. 95-104, provides that the act shall apply to offenses committed on or after October 1, 1995.

**921.0015 Adoption and implementation of sentencing guidelines.—**

(1) Rules 3.701 and 3.981 Procedure, as revised by the April 21, 1988, are hereby adopted in accordance with s. 921.001.

(2) Rules 3.701 and 3.981 Procedure, as revised by the April 21, 1988, are hereby adopted and implemented in accordance with s. 921.001.

History.—s. 2, ch. 86-273, s. 1, ch. 88-1

**921.0016 Recommended sentences; aggravating and mitigating factors.—**

(1)(a) The recommended sentence shall be determined by the total sentence points appropriate for the offender.

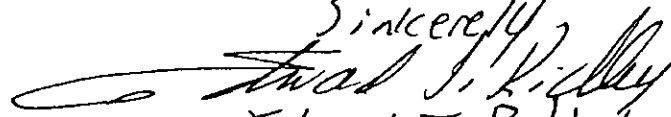
(b) A trial court judge may sentence which varies upward or downward from the state prison sentence without justification delineating the reasons.

(c) A state prison sentence shall not be increased or decreased by more than 25 percent and must be accompanied by a statement delineating the reasons for the sentence within 30 days after the date of sentencing.

## PROOF OF SERVICE

I Edward T. Ridley under perjury declare I mailed A handwritten copy of the foregoing Petition for writ of Habeas Corpus + Motion to Proceed As A Poor Person ~~to~~ A regular U.S. mail postage prepaid to Jim Appleman, State Attorney, 910 Harrison Avenue, Panama City, Florida. 32402.

Executed this 15th day of June 1998

Sincerely,  
 958659  
Edward T. Ridley, 958659  
Prose Affiant

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

EDWARD T. RIDLEY,  
Defendant,

POSTED

Case No. 95-2844

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS

HAVING considered the Defendant's Petition For Habeas Corpus filed on June 16, 1998, court file/records and being fully advised it is,

ORDERED AND ADJUDGED that the Defendant's petition is hereby DENIED.

DONE AND ORDERED in Chambers at Panama City, Bay County, Florida this 22 day of June, 1998.

  
DEDEE S. COSTELLO  
CIRCUIT JUDGE

I HEREBY CERTIFY that a true and exact copy of the foregoing has been provided by U.S. Mail to Edward T. Ridley, DC #958659, Taylor Correctional Institution, G3-2020, P.O. Box 1728, Perry, FL 32348 this 22 day of June, 1998.

  
Debbie Gehris, Judicial Assist.

IN THE FOURTEENTH JUDICIAL CIRCUIT COURT  
IN AND FOR BAY COUNTY FLORIDA

EDWARD T. RIDLEY  
Defendant,

V.

95-2844-H-Div.

STATE OF FLORIDA  
Plaintiff,

A IMMEDIATE EMERGENCY AMENDED MOTION  
TO CORRECT AN ILLEGAL SENTENCE

COMES NOW Defendant Edward T. Ridley, in Propria persona, proceeding pro se, and pursuant to the Authority of Rule 3.800 AS Motion To Correct Illegal Sentence, and would state the following facts and Authorities in support thereof:

1. Defendant sentence ends December 11, 1998.
2. Defendant was Arrested on December 12, 1995.
3. Defendant was Arrested and charged with violation F.S. 794.01(5).
4. Defendant on July 29, 1996 was coerced into pleading Nolo Contendere to 794.01 Third Degree Attempted Sexual Battery on a Alleged victim over 18 years of age

ARGUMENT

POSTED

4) Defendant on July 29, 1996 was coerced into pleading Nolo Contendere to F.S. 794.011 third degree Attempted Sexual Battery on a Alleged victim Over 18 years of Age.

### ARGUMENT

5) Defendant contends that his judgment and sentence under F.S. 794.011 third degree Attempted Sexual Battery is illegal and extremely outrageous and unconstitutional.

6) Defendant after close review of F.S. 794.011 third degree Attempted Sexual Battery. Defendant find there is no such third degree F.S. 794.011 (1995) (1996) (1997) or (1998) Attempted Sexual Battery where the alleged victim is over 18 years of age. Defendant is being falsely imprisoned, detained, arrested, and maliciously prosecuted by the State of Florida with corrupt and improper motives to cause severe mental distress which constitutes cruel and unusual punishment by these Florida Agencies.

7) The "ONLY" Attempted Sexual Battery pursuant to F.S. 794.011 is F.S. 794.011 (2)(A)(B) which are either a capital or life felon.

# AFFIDAVIT

I, Edward T. Ridley 9586591, being of legal age, make the following

statements and declare that, on my personal knowledge, they are true.

I am being fastly imprisoned, detained, arrested and  
in the slavery under a unconstitutional void F.S. 794.011  
which the only lesser included offenses could have been  
777.04 (F) or 800.02 First or Second degree misdemeanors  
794.011 is a second degree felony not Defendants plea  
Agreement. Defendant has a liberty interest at stake  
and should be granted an immediate emergency  
release due to corrected F.S. 777.04 (F) or 800.02  
Any further delay would be unjust.

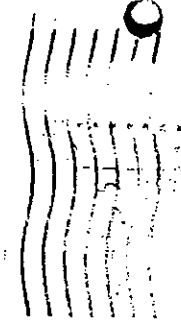
## DECLARATION UNDER PENALTY OF PERJURY

I DECLARE UNDER PENALTY OF PERJURY under the laws of the United States of America specifically Title 28, Section 1746 U.S.C.A., and Fla. Statute 92.525(2), that the foregoing is true and correct.

Date: 7-3-98

  
Affiant

Mr. Edward T. Ridley DC-958659  
Pay for Correctional Institution  
US-202-Upper  
Post Office Box 1728  
Perry, Florida, 32348



Urgent  
Legal  
Mail

Harold BAZZEL  
Clerk of Circuit Court  
Post Office Box 2269  
PANAMA CITY, Florida. 32402

722002/2269

