

APPENDIX

A

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT

MAY 11, 2020

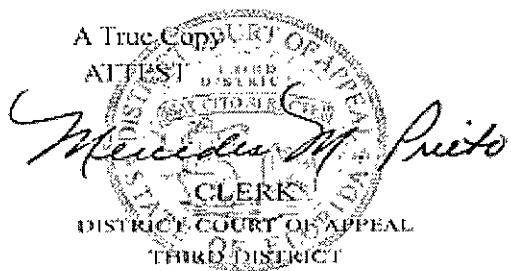
CALVIN LAMONT MACK,
Appellant(s)/Petitioner(s),
vs.
THE STATE OF FLORIDA,
Appellee(s)/Respondent(s),

CASE NO.: 3D20-0725
L.T. NO.: 97-7577

Petitioner is deemed insolvent and may proceed *in forma pauperis* for purposes of this cause.

Following review of the pro se "Petition to Invoke the Court's All Writs Jurisdiction," it is ordered that said Petition is hereby dismissed. See Richardson v. State, 918 So. 2d 999 (Fla. 5th DCA 2006).

FERNANDEZ, LOGUE and SCALES, JJ., concur.



cc: OFFICE OF ATTORNEY GENERAL

CALVIN L. MACK

HON. GINA BEOVIDES

ns

APPENDIX

B

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT

JUNE 08, 2020

CALVIN LAMONT MACK,
Appellant(s)/Petitioner(s),
vs.
THE STATE OF FLORIDA,
Appellee(s)/Respondent(s),

CASE NO.: 3D20-0725
L.T. NO.: 97-7577

Upon consideration, the petitioner's Motion for Rehearing En Banc is treated as having included a motion for rehearing. The motion for rehearing is denied.

FERNANDEZ, LOGUE and SCALES, JJ., concur.

The Motion for Rehearing En Banc is denied. EMAS, C.J., and SALTER, FERNANDEZ, LOGUE, SCALES, LINDSEY, HENDON, MILLER and LOBREE, JJ., concur.

GORDO, J., recused.

A True Copy
ATTEST
Mercedes M. Puerto
CLERK
DISTRICT COURT OF APPEAL
THIRD DISTRICT

APPENDIX

C

Supreme Court of Florida

FRIDAY, MARCH 19, 2021

CASE NO.: SC20-949

Lower Tribunal No(s):

3D20-725;

131997CF007577B000XX

CALVIN LAMONT MACK

vs. STATE OF FLORIDA

Petitioner(s)

Respondent(s)

The petition to invoke all writs jurisdiction is dismissed for lack of jurisdiction because the petitioner has failed to cite an independent basis that would allow the Court to exercise its all writs authority and no such basis is apparent on the face of the petition. *See Williams v. State*, 913 So. 2d 541, 543-44 (Fla. 2005); *St. Paul Title Ins. Corp. v. Davis*, 392 So. 2d 1304, 1305 (Fla. 1980). No rehearing will be entertained by this Court.

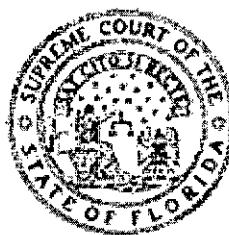
POLSTON, LABARGA, LAWSON, MUÑIZ, and COURIEL, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



ks

Served:

MICHAEL W. MERVINE
CALVIN LAMONT MACK
HON. MERCEDES M. PRIETO, CLERK
HON. HARVEY RUVIN, CLERK

APPENDIX

D

IN THE DISTRICT COURT OF APPEALS
FOR THE THIRD DISTRICT
STATE OF FLORIDA

CALVIN L. MACK,
Appellant,

COPY

v.

Case No.: 3D20-0725
L.T. Case No.: 97-7577B

STATE OF FLORIDA,
Appellees. /

MOTION FOR CERTIFICATION

APPELLANT, Calvin Mack, *pro se*, files this Motion for Certification and suggests the trial court decision under review by this Court is one that should be certified for review by the Supreme Court under Article V, § 3(b)(3) Florida Constitution and Florida Rules of Appellate Procedure 9.125 and shows the Court as follows:

1. Appellant asserts the Court's decision rendered on May 11, 2020 is in direct and express conflict with several U.S. Supreme Court precedent(s) on the same important federal question and also that of double jeopardy.
2. The records in the instant case conclusively demonstrate that the single act or offense of "assault" was indispensible to Count V and Count VI. And the assault element was determined and punished "twice" as a consequence of Appellant's conviction and sentence on both counts in violation of the prohibition against multiple punishments for the same offense. (I.e., *Blockburger v. United*

States, 284 U.S. 299, 304, 52 S.Ct. 180 (1932); *Brown v. Ohio*, 432 U.S. 161, 97 S.Ct. 2221 (1977); *In re: Nielsen*, 131 U.S. 176, 9 S.Ct. 672 (1889); *Rutledge v. United States*, 517 U.S. 292, 301, 116 S.Ct. 1241 (1996)).

3. The District Court concluded it lacked jurisdiction to entertain Appellant's all writs petition where he raised fundamental errors resulting in manifest injustice.
4. The Appellant certifies the following question of public importance:

WHETHER ENHANCED SENTENCING FOR BURGLARY OF A CONVEYANCE W/ ASSAULT AND STRONG ARM ROBBERY WHERE ASSAULT IS AN ESSENTIAL ELEMENT, BASED UPON A SINGLE ACT OF ASSAULT, DETERMINED AND PUNISHED BY VIRTUE OF APPELLANT'S CONVICTION AND SENTENCE FOR STRONG ARM ROBBERY VIOLATES THE PRINCIPLES OF DOUBLE JEOPARDY AND DUE PROCESS?

CONCLUSION

In light of the foregoing reasons, Appellant prays this Court certify the following federal question of great public importance.

Respectfully Submitted,

/s/ Calvin Mack
Calvin Mack, DC# 399663
Martin Correctional Institution
1150 SW Allapattah Road
Indiantown, FL 34956

UNNOTARIZED OATH

UNDER PENALTIES OF PERJURY, I declare the foregoing motion is true.

F.S. § 92.525.

/s/ Calvin Mack
Calvin Mack, DC# 399663

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion was placed into a prison official's hands for mailing via U.S. first class mail to: Attorney General, 1 SE 3rd Avenue, Ste. 900, Miami, FL 33131-1706 on this 9th day of June, 2020.

/s/ Calvin Mack
Calvin Mack, DC# 399663
Martin Correctional Institution
1150 SW Allapattah Road
Indiantown, FL 34956

APPENDIX

E

IN THE DISTRICT COURT OF APPEAL
FOR THE THIRD DISTRICT
STATE OF FLORIDA

CALVIN L. MACK,
Appellant,

COPY

v.

Case No.: 3D20-0725
L.T. Case No.: 97-7577B

STATE OF FLORIDA,
Appellees. /

**APPLICATION FOR REVIEW OF THE DECISION OF DISTRICT
COURT PURSUANT TO ARTICLE V, § 3(b)(4) FLA. CONST.**

COMES NOW, the Appellant, Calvin Mack, *pro se*, pursuant to Florida Rules of Appellate Procedure 9.100(a) and Article V, Section 3(b)(4) Florida Constitution and moves this Honorable Court for application to review the decision of the District Court and would certify the following question:

1. Appellant, Calvin Mack, seeks application for review of the decision of this Court rendered on May 11, 2020.
2. Appellant certifies the following question of public importance:

WHETHER ENHANCED SENTENCING FOR BURGLARY OF A CONVEYANCE W/ ASSAULT AND STRONG ARM ROBBERY WHERE ASSAULT IS AN ESSENTIAL ELEMENT, BASED UPON A SINGLE ACT OF ASSAULT, DETERMINED AND PUNISHED BY VIRTUE OF APPELLANT'S CONVICTION AND SENTENCE FOR STRONG ARM ROBBERY VIOLATES THE PRINCIPLES OF DOUBLE JEOPARDY AND DUE PROCESS?

UNNOTARIZED OATH

UNDER PENALTIES OF PERJURY, I declare the foregoing document is true. F.S. § 92.525.

Date: 5-24-20

/s/ Calvin Mack
Calvin Mack, DC# 399663
Martin Correctional Institution
1150 SW Allapattah Road
Indiantown, FL 34956

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was placed into a prison official's hands for mailing via prepaid U.S. first class mail to: Attorney General's Office, One SE Third Avenue, Ste. 900, Miami, FL 33131 on this 24th day of May, 2020.

/s/ Calvin Mack
Calvin Mack, DC# 399663
Martin Correctional Institution
1150 SW Allapattah Road
Indiantown, FL 34956

APPENDIX

F