

APPENDIX "A"

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

STATE OF FLORIDA,

Plaintiff,

v.

CASE NO.: CF14-008299-XX

HEWITT GRANT II,

Defendant.

ORDER DENYING DEFENDANT'S MOTION ALLEGING MISCARRIAGE OF JUSTICE

THIS MATTER came before the Court upon Defendant's Motion alleging *Miscarriage of Justice*, filed on October 2, 2020.

The Defendant raises several claims of Trial Court error, prosecutorial misconduct, and insufficiency of the evidence. Defendant also argues that there was racial discrimination but provides no support for such a claim. The Court finds that the motion is insufficiently pled and untimely. Defendant was sentenced on November 19, 2015 and May 3, 2016. *See* Judgments and Sentences. Defendant appealed and Mandates were issued on December 28, 2017. *See* Mandates. The Defendant has filed two previous Rule 3.850 motions that were denied on July 2, 2018 and December 18, 2018. *See* Orders.

It is **ORDERED AND ADJUDGED** that Defendant's Motion alleging a miscarriage of justice is **DENIED**.

Defendant has thirty (30) days to appeal this order to the Second District Court of Appeal.

DONE AND ORDERED in Bartow, Polk County, Florida this 6th day of November, 2020.


DONALD G. JACOBSEN, Circuit Judge

cc:

- Hewitt Grant II, DC#H12344, Calhoun CI, 19562 SE Institution Dr., Blountstown, FL 32424
- A.S.A. Victoria J. Avalon, Esq.

DGJ/abw

APPENDIX "B"

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

HEWITT A. GRANT II,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

No. 2D21-394

June 25, 2021

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Polk County; Donald G. Jacobsen, Judge.

PER CURIAM.

Affirmed.

BLACK, SLEET, and LUCAS, JJ., Concur.

Opinion subject to revision prior to official publication.

Appendix "C"

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

HEWITT A. GRANT, II,
Petitioner,

v.

Case No.: 2020CA-001951
Section: 30

CARSON BASSETT,
MELISSA GRAVITT,
OFFICE OF THE STATE ATTORNEY,
Respondents.

ORDER DISMISSING PETITION FOR WRIT OF MANDAMUS

THIS MATTER came before the Court upon Petitioner's "Writ of Mandamus/Order of Performance" filed on June 15, 2020. The Court, having reviewed the Petition, case file, applicable case law, and otherwise being informed in the matter, finds as follows:

Petitioner alleges and attaches several letters that were sent to the State Attorney's Office, requesting various documents related to case number 14CF-8299. Various responses from the State Attorney's Office were attached to the Petition, which included acknowledgments of receipt of public records requests and estimates on the costs that Petitioner was required to provide prior to the agency fulfilling the requests. The last exhibit attached to the Petition includes a letter from the Office of the State Attorney dated March 9, 2020, where a records administrator informed Petitioner "[y]our argument for free copies does not apply for two reasons. First records show you've already received a plenary appeal. Second the case law you [c]ited in your letter does not apply to this agency."

The Petitioner is now arguing the Office of the State Attorney is required to provide him with free copies of documents related to his case and alleges a failure to provide him with free copies amounts to a *Brady* violation. "Indigent prisoners may obtain free copies and services for a plenary appeal, but there is no provision to obtain them thereafter." *Woodfaulk v. State*, 935 So.

2d 1225, 1227 (Fla. 5th DCA 2006) (citing *Ridge v. Adams*, 643 So. 2d 116, 117 (Fla. 5th DCA 1994)). The response attached to the Petition, and the records in case number 14CF-8299, indicate Petitioner has already received a plenary appeal. Petitioner has not shown any entitlement to receive free copies of any of the requested documents and has not established any *Brady* violation.

Accordingly, it is ORDERED that Petitioner's Writ of Mandamus/Order of Performance is hereby DISMISSED.

DATED this 7th day of October, 2020.

/s/ Ellen Masters

ELLEN S. MASTERS, Chief Judge

Copies furnished to:

- Hewitt A. Grant, II, DC# H12344, Calhoun C.I., 19562 SE Institution Dr., Blountstown, FL 32424-5156

ESM/jwl

Appendix "D"

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

HEWITT A. GRANT, II,
Petitioner,

v.

Case No.: 2020CA-001951

Section: 30

CARSON BASSETT,
MELISSA GRAVITT,
OFFICE OF THE STATE ATTORNEY,
Respondents.

ORDER DENYING MOTION FOR REHEARING

THIS MATTER came before the Court upon Petitioner's "Motion for Rehearing" filed on October 27, 2020. The Court, having reviewed the Motion, case file and otherwise being informed in the matter, finds as follows:

Petitioner argues this Court has incorrectly construed his claim as one seeking a writ of mandamus regarding a request for free records, when he is actually seeking for the State to provide him with *Brady* material. As to the alleged *Brady* material, Petitioner alleges deputies lied at trial, and the State is now required to provide him with evidence of such false testimony. Petitioner does not describe any such evidence, the existence of which appears to be based entirely on Petitioner's speculation. Petitioner still has not established any *Brady* violation.

Accordingly, it is ORDERED that Petitioner's "Motion for Rehearing" is DENIED.

DATED this 9th day of November, 2020.

/s/ Ellen Masters

ELLEN S. MASTERS, Chief Judge

Copies furnished to:

- Hewitt A. Grant, II, DC# H12344, Calhoun C.I., 19562 SE Institution Dr., Blountstown, FL 32424-5156

ESM/jwl

APPENDIX "E"

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

HEWITT A. GRANT, II,

Appellant,

v.

CARSON BASSETT,
ASSISTANT STATE ATTORNEY,

Appellee.

No. 2D21-395

June 23, 2021

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit
Court for Polk County; Ellen S. Masters, Judge.

Hewitt A. Grant, II, pro se.

PER CURIAM.

Affirmed.

BLACK, SLEET, and LUCAS, JJ., Concur.

Opinion subject to revision prior to official publication.

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

APPENDIX "F"

STATE OF FLORIDA,

Plaintiff,

v.

CASE NO.: CF14-008299-XX

HEWITT GRANT II,

Defendant.

**ORDER DENYING DEFENDANT'S
SUCCESSIVE 3.850 MOTION**

THIS MATTER is before the Court upon Defendant's *Motion for Postconviction Relief*, filed pursuant to Rule 3.850, Fla. R. Crim. P., on February 19, 2021, and *Motion for Enlargement of Time*, filed that same day. After review of the Motions, court file, and applicable law, the Court finds as follows:

In his Motion the Defendant acknowledges that it is a successive motion. The motion is also untimely. The first four claims do not allege anything that can be construed as newly discovered evidence and the Court will not address them. In claim 5, Defendant argues newly discovered evidence in the form of a letter that was sent to the Lakeland Ledger. The letter mentions that the elected State Attorney manipulates the cost of prosecution. Defendant claims that had he been aware of this letter prior to sentencing, he could have requested a new trial. Defendant claims that the Assistant State Attorney agreed to reduce his offenses to misdemeanors if he paid \$1,000 to the State Attorney's prosecution trust fund account. The Court finds that even if the letter had surfaced prior to Defendant's sentencing hearing, the outcome of the proceeding would not have been different. Defendant proceeded to trial and was convicted by a jury.

Based on the above, it is **ORDERED AND ADJUDGED** that Defendant's *Motion* is **DENIED**.

DONE AND ORDERED in Bartow, Polk County, Florida this 24th day of February, 2021.


DONALD G. JACOBSEN, Circuit Judge

cc:

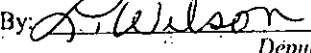
-- Victoria J. Avalon, Esq., A.S.A.

-- Hewitt Grant II, DC#H12344, Calhoun CI, 19562 SE Institution Dr., Blountstown, FL 32424

DGJ/abw

I CERTIFY the foregoing is a true copy of the original as it appears on file in the office of the Clerk of the Circuit Court of Polk County, Florida, and that I have furnished copies of this order and its attachments to the above-listed on this 24th day of Feb., 2021.

CLERK OF THE CIRCUIT COURT

By: 
Deputy Clerk

Appendix "G"

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

HEWITT A. GRANT, II,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

No. 2D21-744

June 25, 2021

Appeal from the Circuit Court for Polk County; Donald G. Jacobsen,
Judge.

Hewitt A. Grant, II, pro se.

PER CURIAM.

Affirmed.

BLACK, SLEET, and LUCAS, JJ., Concur.

Opinion subject to revision prior to official publication.