

APPENDIX - A

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION: AN
CASE NO.: 50-2019-CA-010315-XXXX-MB

SAMMY LEE GIBBS,
Petitioner,

v.

WILLIAM HAMILTON,
Respondent.

**ORDER TRANSFERRING PETITION FOR WRIT OF HABEAS CORPUS TO THE
FOURTEENTH JUDICIAL CIRCUIT IN AND FOR CALHOUN COUNTY FOR
CONSIDERATION AS A POSTCONVICTION MOTION**

THIS CAUSE came before the Court on Sammy Lee Gibbs' ("Petitioner") Petition for Writ of Habeas Corpus ("Petition"), filed with the Clerk on August 12, 2019. The Court has carefully considered the Petition, the court file, and is otherwise fully advised in the premises.

Petitioner was found guilty of First Degree Felony Murder and Robbery with a Deadly Weapon and sentenced to life in prison on or about February 27, 1987, by the Circuit Court for the Fourteenth Judicial Circuit in and for Calhoun County, Florida (case numbers 071986000071CFAXMX and 071986CF000072CFAXMX). Petitioner attacks the charging instrument in his Calhoun County case, alleging the amendments to the Indictment rendered the Indictment void and constituted manifest injustice.

To obtain relief through a petition for writ of habeas corpus, a petitioner must show he is "unlawfully deprived of his liberty and is illegally detained against his will." *Smith v. Kearney*, 802 So. 2d 387, 389 (Fla. 4th DCA 2001). The writ of habeas corpus "is designed to test solely the legality of the petitioner's imprisonment." *Sneed v. Mayo*, 66 So. 2d 865, 869 (Fla. 1953). To the extent Petitioner attempts to raise an argument challenging the validity of his conviction or sentence, he must do so pursuant to Florida Rule of Criminal Procedure 3.850 or 3.800. See *Harris v. State*, 789 So. 2d 1114, 1115 (Fla. 1st DCA 2001) ("habeas corpus may not be used as a substitute for an appropriate motion seeking postconviction relief pursuant to the Florida Rules of Criminal Procedure"). Petitioner's writ of habeas corpus seeking to collaterally attack his

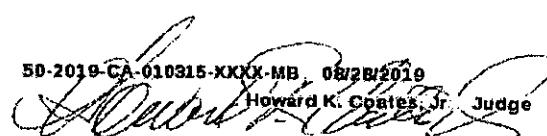
conviction and sentence based on an allegedly void Indictment is improper and should be re-filed as a postconviction motion. See *Baker v. State*, 878 So. 2d 1236 (Fla. 2004). Further, although Petitioner is incarcerated in South Bay, Florida, he was sentenced by the Fourteenth Judicial Circuit in and for Calhoun County, Florida. Jurisdiction over any postconviction motion, therefore, lies with the same court that imposed the judgment or sentence which is being collaterally attacked—not the county in which the prisoner is incarcerated. *Leichtman v. Singletary*, 674 So. 2d 889 (Fla. 4th DCA 1996). See also *State ex rel. Renaldi v. Sandstrom*, 276 So. 2d 109, 110 (Fla. 3d DCA 1973).

Although Petitioner states no claim upon which relief may be granted through a petition for writ of habeas corpus, a motion for postconviction relief is the proper vehicle for Petitioner's claims. Therefore, this Court construes the Petition as a motion for postconviction relief, and finds that the Petition must be transferred to the court that imposed Petitioner's judgment and sentence.

Accordingly, it is hereby

ORDERED that the Petition for Writ of Habeas Corpus is hereby **TRANSFERRED** to the Circuit Court for the Fourteenth Judicial Circuit in and for Calhoun County, Florida (case numbers 071986000071CFAXMX and 071986CF000072CFAXMX) for consideration as a motion for postconviction relief. The Clerk of Court is further directed to close this case number (50-2019-CA-010315-XXXX-MB).

DONE and ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida.

50-2019-CA-010315-XXXX-MB 08/28/2019

Howard K. Coates, Jr. Judge

50-2019-CA-010315-XXXX-MB 08/28/2019
Howard K. Coates, Jr.
Judge

COPY PROVIDED TO:

SAMMY LEE GIBBS SOUTH BAY
CORRECTIONAL FACILITY

Class 10. *Hydrogenococcus* (Bergey)

Class No. 45 May 17, 19

APPENDIX - B

Supreme Court of Florida

MONDAY, JANUARY 25, 2021

CASE NO.: SC21-88
Lower Tribunal No(s).:
4D20-2048; 502019CA010315XXXXMB

SAMMY LEE GIBBS

vs. WILLIAM HAMILTON

Petitioner(s)

Respondent(s)

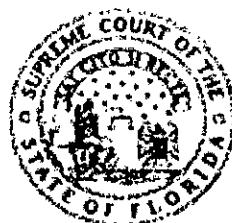
This case is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wheeler 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:

CELIA TERENZIO

SAMMY LEE GIBBS

HON. HOWARD KELLY COATES, JR., JUDGE

HON. JOSEPH ABRUZZO, CLERK

HON. LONN WEISSBLUM, CLERK

APPENDIX - C

IN THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR CALHOUN COUNTY, FLORIDA

COURT MET THIS DAY AS ORDERED AT 9:00 A.M. FEBRUARY 13, 1987

THE HONORABLE W. L. BAILEY JUDGE PRESIDING
JUDY H. BODIFORD DEPUTY CLERK
MICHELE COOPER COURT REPORTER
WILLIAM G. SMITH, SHERIFF BAILIFF

CASE NUMBER CIR 86-71 & CIR 86-72

DEFENDANT(S) SAMMY LEE GIBBS

CHARGE CIR 86-71-ROBBERY WITH A DEADLY WEAPON
CIR 86-72-MURDER

ATTORNEY FOR STATE

JIM APPLEMAN, along with Ass. St. Atty. PHILLIP KNIGHT
VS

ATTORNEY FOR DEFENSE

FLOYD L. GRIFFITH, Special Appointed Public Defender

PLA

NOTES

JURY TRIAL HELD IN MARIANNA, JACKSON COUNTY FLORIDA, WHERE A
JURY FOUND THE SAMMY LEE GIBBS GUILTY ON BOTH THE MURDER AND
ROBBERY WITH A DEADLY WEAPON SENTENCE

ADJ. GUILTY ON BOTH COUNTS, BALANCE OF NATURAL LIFE IN THE DOC
WITH 25 YEARS SPENT BEFORE PAROLE ON MURDER CHARGE, ADDITIONAL LIFE
SENTENCE ON ROBBERY WITH DEADLY WEAPON, TO RUN CONSECUTIVELY, \$225.00
COURT COSTS, AND CREDIT FOR JAIL TIME.

19C

APPENDIX - (D)

OFFICE OF THE
CLERK OF THE CIRCUIT COURT

FIFTEENTH JUDICIAL CIRCUIT PALM BEACH COUNTY

2019 SEP 10 AM 11:34

SHARON R. BOCK, Clerk and Comptroller
RECEIPT OF TRANSFERRED CASE

TO: CLERK OF THE CIRCUIT COURT
CALHOUN COUNTY, STATE OF FLORIDA

ATTENTION: Probate Dept. Juvenile Dept.
Circuit Civil Dept. County Civil Dept.
X Circuit Crim. Dept. County Crim. Dept.

CASE STYLE: SAMMY LEE GIBBS VS WILLIAM HAMILTON
CASE NUMBER: 502019CA010315XXXXMB

(CASE NUMBER 071986000071CFAXMX AND 071986CF000072CFAXMX)
An order authorizing transfer of the above described proceedings from
Circuit Civil Palm Beach County, Florida to Circuit Civil Calhoun County,
Florida, has been signed by the Honorable Donald Hafele on August 15, 2019.

Enclosed please find the following:

- a) Original documents, consisting of pleadings filed August 12, 2019 through August 28, 2019; and certified copy of order of transfer,
- b) Certified copy of the progress docket describing document.
- c) Disc

Please acknowledge your receipt of this case by signing below and returning this letter in the self-addressed envelope, provided for your convenience.

SHARON R. BOCK
Clerk of Circuit Court

By:

MATTIE M. SHERRID Deputy Clerk

I hereby acknowledge receipt of the court file and docket sheet this 10/16/19 day of September, 2019. We have filed this case as case number 502019CA010315XXXXMB.

BY:

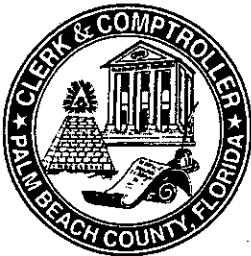
Blanca

Deputy Clerk

COUNTY OF: Palm Beach

205 NORTH DIXIE HIGHWAY * P.O. BOX 4667 * WEST PALM BEACH, FLORIDA
33402-4667 * (561) 355-2996 * FAX (561) 355-4643
transfer.cas/20/lrs/kjh/2-6-95 DK/trnsfr.frm

APPENDIX "E"



SHARON R. BOCK

Clerk & Comptroller
Palm Beach County

October 7, 2019

Sammy Gibbs #580345
c/o South Bay Correctional Facility
P.O. Box 7171
South Bay, FL 33493

Dear Mr. Gibbs,

We are returning the attached documents received in our office. Also, attached is a docket sheet showing that the Rehearing Petition was never received in our office for filing. The case was transferred to Calhoun County Clerk of Court on 09/05/19, your documents will need to be filed in that case.

Please feel free to contact our office at any time for further assistance.

Circuit Civil/Probate Dept.
205 N. Dixie Hwy, Room 3.2300
West Palm Beach, FL 33402

301 North Olive Avenue
West Palm Beach, Florida 33401

P.O. Box 229
West Palm Beach, Florida 33402

Telephone 561-355-2996
Facsimile 561-355-6727

www.pbcountyclerk.com

Case Number: 50-2019-CA-010315-XXXX-MB

Plaintiff: SAMMY LEE GIBBS

Defendant: WILLIAM HAMILTON

Atty:

Atty Address:

Division: AN: Circuit Civil Central: AN (Civil)

Effective Date:	Description:
08/12/2019	DIVISION ASSIGNMENT AN: Circuit Civil Central - AN (Civil)
08/12/2019	PETITION FOR WRIT OF HABES COPURS F/B PET ***UP 8/12/19***
08/12/2019	CIVIL COVER SHEET
08/12/2019	SUMMONS ISSUED WILLIAM HAMILTON TO PBSO W/CK 1835 \$40.00
08/13/2019	CORRESPONDENCE MLD TO PLTF
08/28/2019	ORDER H COATES DTD 8/28/19 TRANSFERRING PETITION FOR WRIT OF HABEAS CORPUS TO THE FOURTEENTH JUDICIAL CIRCUIT IN AND FOR CALHOUN COUNTY CLERK TO CLOSE FILE H COATES DTD 8/28/19 TRANSFERRING PETITION FOR WRIT OF HABEAS CORPUS TO THE FOURTEENTH JUDICIAL CIRCUIT IN AND FOR CALHOUN COUNTY CLERK TO CLOSE FILE
08/28/2019	DISPOSED - OTHER DO - DISPOSED OTHER
08/28/2019	DO NOT DOCKET ON THIS CASE
08/28/2019	DO NOT DOCKET ON THIS CASE
09/11/2019	SERVICE RETURNED (NUMBERED) AS TO WILLIAM HAMILTON 09/05/19 (CASE TRANSFERRED TO 14TH DISTRICT)
09/16/2019	RECEIPT OF TRANSFERRED CASE CALHOUN COUNTY TRANSFERRED CASE CALHOUN COUNTY
09/16/2019	RECEIPT OF TRANSFERRED CASE CALHOUN COUNTY TRANSFERRED CASE CALHOUN COUNTY

APPENDIX "F"

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

October 16, 2020

CASE NO.: 4D20-2048
L.T. No.: 502019CA010315

SAMMY LEE GIBBS

v. WILLIAM HAMILTON, WARDEN

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the September 15, 2020 petition for belated appeal is denied.

GROSS, CIKLIN and KUNTZ, JJ., concur.

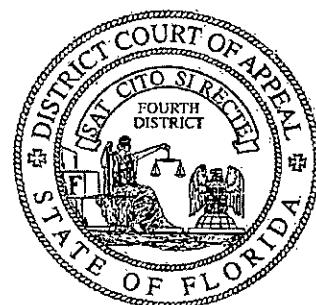
Served:

cc: Sammy Gibbs William Hamilton, Warden State Attorney-P.B.
Clerk Palm Beach Hon. Howard K. Coates, Jr.

kk

Lonn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



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

December 18, 2020

CASE NO.: 4D20-2048

L.T. No.: 502019CA010315

SAMMY LEE GIBBS

v. WILLIAM HAMILTON, WARDEN

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that petitioner's November 5, 2020 motion for rehearing, clarification, and certification is denied.

Served:

cc: Sammy Gibbs

William Hamilton, Warden

kr

Lonn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

