

Note: The Court completely ignores my claim of completed sentences.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

February 23, 2022

CASE NO.: 2D22-0239  
L.T. No.: 91-19920

JOHN BAILEY

v. RICKY D. DIXON, SECRETARY OF  
THE FLORIDA DEPT. OF  
CORRECTIONS

---

Appellant / Petitioner(s),

Appellee / Respondent(s).

---

**BY ORDER OF THE COURT:**

Petitioner's petition for writ of habeas corpus is denied.

Petitioner's "emergency motion for leave to file successive petition for writ of habeas corpus and appeal of lower court's denial of motion to correct illegal sentence, etc." is denied.

Petitioner's motion for leave to supplement is denied.

SLEET, ROTHSTEIN-YOUAKIM, and ATKINSON,  Concur.

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

Served:

ATTORNEY GENERAL, TAMPA  
KEN BURKE, CLERK

JOHN BAILEY

td

Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel  
Clerk



App. A

6 (at)

IN THE CIRCUIT COURT IN AND FOR PINELLAS COUNTY, FLORIDA

CASE NO. CRC91-18209 CFANO-M  
CRC91-4844 CFANO-M

STATE OF FLORIDA, -----X

Plaintiff, -----:

VS. -----:

JOHN AMIN, -----:

Defendant. -----X

BEFORE: The Honorable Brandt C. Downey, -----

PLACE: Criminal Justice Center  
14250 49th Street North  
Clearwater, Florida 34620

DATE: November 14, 1991

TIME: 8:30 a.m. calendar

REPORTED BY: Gwendolyn P. Arthur, RPR  
Sixth Judicial Circuit  
Notary Public, State of Florida

CHANGE OF PLEA

COPY

Judge has referred  
all charges including  
firearm

ROBERT A. DEMPSTER & ASSOCIATES  
Post Office Box 35  
Clearwater, Florida 34617-0035

Exhibit  
APP. B

Ex. B

1                   MR. WALKER: That would be counts one,  
2                   four and five.

3                   THE COURT: Okay. On both 18209 and  
4                   4844, set a pretrial for January 13th.

5                   MR. WALKER: Thank you, Judge.

6                   THE COURT: And Mr. Amin, all I can  
7                   tell you at this point is that it's my  
8                   candid opinion that you are making a  
9                   terrible, terrible mistake. And if  
10                   convicted of the charges that are pending  
11                   against you, you will never get out of jail  
12                   during your lifetime.

13                   THE DEFENDANT: Yes, sir. The thing  
14                   is, what I'm saying --

15                   THE COURT: I understand exactly what  
16                   you're saying, Mr. Amin. And all I'm  
17                   telling you is you're making a big mistake.  
18                   You're not -- you know, if convicted, you  
19                   are not gaining anything --

20                   THE DEFENDANT: Yes, sir.

21                   THE COURT: -- except putting off the  
22                   inevitable. On a 30-year sentence, you'd be  
23                   out in 20 years, give or take.

24                   THE DEFENDANT: Yeah.

25                   THE COURT: And you're going to get 30

1                   on the one you were convicted of.

2                   THE DEFENDANT: But if my case had been  
3                   adequately handled the first time, I would  
4                   not have gotten convicted of it.

5                   THE COURT: And it will be five years  
6                   before that decision is made as to whether  
7                   or not it was handled properly the first  
8                   time.

9                   THE DEFENDANT: Yes, sir. One other  
10                   question.

11                   THE COURT: In the meantime, if tried  
12                   and sentenced you're going to get  
13                   consecutive time on everything.

14                   THE DEFENDANT: Yes, sir.

15                   THE COURT: Go ahead.

16                   THE DEFENDANT: Before my wife leaves,  
17                   can I say a couple words?

18                   THE COURT: In the presence of the  
19                   bailiff.

20                   THE DEFENDANT: Yes. Thank you.

21                   THE COURT: All right. Thank you,  
22                   gentlemen. This hearing's at an end.

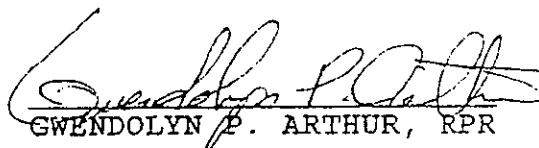
23                   MR. WALKER: For the record, can I have  
24                   a bailiff serve on Mr. Amin his notice of  
25                   enhanced penalty so that we have a written

CERTIFICATE OF REPORTER

STATE OF FLORIDA )  
COUNTY OF PINELLAS )

I, GWENDOLYN P. ARTHUR, RPR, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 27th day of September 1998.

  
GWENDOLYN P. ARTHUR, RPR

Motion to Disqualify  
Hearing  
Judge Downey

Sept. 29, 30, 1972  
#91-19920

1 go pull some ancient case that has got fingerprints that  
2 aren't good, I don't have the Information for it, the pla  
3 form for it. I want to get one close in time. -

4 THE COURT: How close is the one you have?

5 MR. WALKER: Oh, it's '89. It's within months  
6 believe.

7 THE COURT: And that's under the name of Bailey

8 MR. HORROX: Yes.

9 THE COURT: And that's got fingerprints that are  
10 recognizable?

11 MR. WALKER: Oh, yes, beauties.

12 THE COURT: Fine. You can use them.

13 MR. WALKER: And I have to have --

14 THE COURT: You can use them.

15 MR. HORROX: Over Defense objection.

16 THE COURT: Over defense objection. All right.

17 Now, go get your witnesses on the motion to suppress, let's  
18 talk about it.

19 X MR. HORROX: Judge -- before you leave, Joe, there  
20 is one other motion which my client prepared, handwritten,  
21 Judge. It's a motion to disqualify your Honor from preside  
22 over the case. He doesn't feel that you would be fair to us.  
23 I can tell you that I think the Court may well find the motion  
24 is legally insufficient. I have not prepared a motion on my  
25 own.

RECORDED  
APP. E

1  
OFFICIAL CIRCUIT COURT REPORTER

1 THE COURT: I understand. I'll take care of that.  
2 MR. HORROX: Okay.

3                   THE COURT: Go get your stuff and your people.  
4 (Brief recess.)

5 DEFENDANT PRESENT IN CHAMBERS

18 X Mr. Amin, what is the basis for your wanting to  
19 remove me from hearing this case?

20                   MR. HORROX: Judge, if I may, I have a motion for  
21                   disqualification of a judge, somewhat of a memorandum which is  
22                   separate. I provided a copy to the State this morning.

23 THE COURT: I'm going to deny the motion to  
24 disqualify the judge in this case for a couple of reasons;  
25 number one, Mr. Amin is represented by counsel. This motion

1 has been filed pro se and the current status of the law  
2 Florida is that pro se motions can be ignored and treated  
3 nullity when the Defendant is represented by counsel and  
4 counsel doesn't agree to it or buy off on it.

5 Secondly, the rule of criminal procedure that a  
6 for disqualification of a judge has not been followed in  
7 particular case in that the rule requires that there be  
8 affidavits from individuals other than the Defendant to be  
9 submitted to the Court, and those not having been filed un-  
10 the rule the motion is not adequate.

11 Third, I take great issue with a portion of the  
12 motion itself. I certainly have never threatened Mr. Amin  
13 with anything. I have on certain occasions advised him as  
14 what the maximum sentence could be that he would receive  
15 to make sure that he was aware of that fact and not under a  
16 misunderstanding. I certainly never threatened him to say  
17 that if he went to trial he would get a maximum sentence.  
18 I've never told anybody that, and I certainly haven't ever  
19 told Mr. Amin that.

20 I have -- Mr. Amin has gone to trial twice in this  
21 county. One of those matters was presided over by Judge  
22 Rondolino, the other one last week was presided over by Judge  
23 Stoutamire. I indicated to counsel that I would -- I wanted  
24 to preside over the trial, just because I was familiar with  
25 the facts of the case, but because I was involved in a murder

1 case that was set last week I could not, and it was passed  
2 Judge Stoutamire and was handled by him. I certainly at t  
3 point have no ill feelings towards Mr. Amin for exercising  
4 constitutional right to go to trial. I have always read,  
5 I've told him that I've already read every motion that he  
6 filed from the jail. I haven't always agreed with him. I  
7 haven't always agreed with his arguments or his logic, but  
8 I've at least, I think on numerous occasions, told Mr. Amin  
9 that I've read what he's filed and put them in the court file.  
10 And the court file will indicate that there's a myriad of --

11 THE DEFENDANT: I don't remember you telling me  
12 that, sir. You never told me that.

13 THE COURT: Well, I believe that I have. But in  
14 event, rest assured that anything that you've filed with me  
15 read and have put in the court file.

16 THE DEFENDANT: Most of the stuff I file you did not  
17 even answer.

18 THE COURT: I'm not required to answer it. That  
19 doesn't mean that I haven't read it. Okay. In any event, I  
20 will deny the motion to disqualify the judge and order that  
21 the motion itself, plus the accompanying memorandum, be placed  
22 in the court file.

23 All right. Let's proceed on to the motion to  
24 suppress. Any comments you care to make, Mr. Walker, at this  
25 point before we proceed on with that?

Probation Violator  
 Community Control Violator  
 Retrial  
 Resentencing

STATE OF FLORIDA

vs

John Bailey aka Amia  
Defendant \* 01089606

SPN:

IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,  
IN AND FOR PINELLAS COUNTY, FLORIDA  
DIVISION: FELONY

CASE NUMBER CRC 91-19920 CFANO-K

3-19-2023  
1  
✓ 37838  
FILED

JUL. 15 1994

KAREN F. DEBLAKER

CLERK CIRCUIT COURT

DEPUTY CLERK

JUDGMENT

The Defendant, John Bailey aka Amia, being personally before this court represented by Donald Murray, the attorney of record, and the state represented by Joseph W. Real, 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)

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

\* amended 8/4/94

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE OF CRIME
1	<u>Felonious Possession</u>	* 790.23	* 3°
2	<u>Felonious Possession</u>	* 790.23	* 2°
4	<u>Felonious Possession</u>	* 790.23	* 2°
	<u>of Firearm</u>		

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).

and pursuant to section 943.425, 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.

NOV 28 1994

Page 1 of 2

CT CR 82 a (Rev. 01/04/83)

ADMISSION RELEASE AUTHORITY  
CONDEMNED SECTION

WATERMARKED 1/1

APP D

Exh. 14

0071

Defendant Donald Bailey aka Gruin Case Number CRC 91-19920 DBTS Number \_\_\_\_\_

## SENTENCE

(As to Court 1)

RE-SENTENCING PURSUANT TO  
MANDATE

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald Bailey, 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 resentence 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 shall pay total statutory costs in the amount of \$ \_\_\_\_\_.

The defendant shall pay attorney fees and costs of defense as determined by the Court.

The defendant shall 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 Pinellas 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 5 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 Department of Corrections, 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.

Defendant John Bailey et al. Amia Case Number CRC 91-14420 OBTS Number \_\_\_\_\_

## SENTENCE

(As to Count 2)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald Horan, 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 resentence 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 shall pay total statutory costs in the amount of \$ \_\_\_\_\_.

The defendant shall pay attorney fees and costs of defense as determined by the Court.

The defendant shall 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 Pinellas 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 10 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 Department of Corrections, 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.

Defendant John Bailey Jr Amie Case Number CRC 97-19920 OBTS Number \_\_\_\_\_

## SENTENCE

(As to Count 4)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald Herrey, 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 resentences 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 shall pay total statutory costs in the amount of \$ \_\_\_\_\_.

The defendant shall pay attorney fees and costs of defense as determined by the Court.

The defendant shall 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 Pinellas 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 5 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 Department of Corrections, 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.

0074

Defendant

*John C. Bailey*

ATTORNEY

Case Number CJC

91-19920-CF-AND

Other Provisions: (continued)

Retention of Jurisdiction

The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

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: *CCC 91-14844-CF-AND*

It is further ordered that:

Restitution is not applicable in this case.

Restitution is ordered in an amount to be determined.

Restitution is ordered as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Restitution is not ordered for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

Restitution to State:

The defendant must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(g), Florida Statutes. The amount of such debt shall not exceed \$10,000 and shall be determined by the Court at a later date upon final payment by the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas 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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida, this 15 day of

*July, 1994*

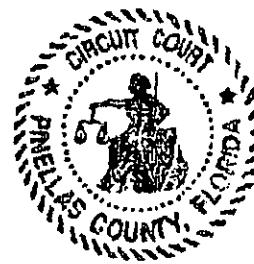
*Amended  
to reflect correct  
sentencing Judge*

*Brandt G.*

JUDGE

*Signature  
11-17-94*

Page \_\_\_\_ of \_\_\_\_



STATE OF FLORIDA, PINELLAS COUNTY

I hereby certify that the foregoing is  
a true copy as the same appears among  
the files and records of this court.

This 28 day of May, 1994  
KARLEEN F. De BLAKER  
Clerk of Circuit Court

BY: Sonya Hatch  
Deputy Clerk

0076

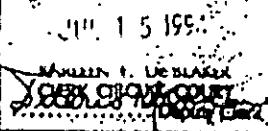
Probation Violator  
Community Control Violator  
Retrial  
Resentencing

STATE OF FLORIDA

IN THE CIRCUIT COURT, 80TH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
DIVISION: FELONY

CASE NUMBER CBC 91-19920 CRANOL

FILED



John Bailey aka Amie  
Defendant \* 01089606

SPN:

JUDGMENT

The Defendant, John Bailey aka Amie, being personally before the court represented by Donald Murray, the attorney of record and the state represented by Joseph Warren, 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)  
 entered a plea of nolo contendere to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE OF CRIME
1	<u>Felonious Possession</u> <u>of Firearms</u>	* 790.23	* 2
2	<u>Felonious Possession</u> <u>of Firearms</u>	* 790.23	* 2
3	<u>Felonious Possession</u> <u>of Firearms</u>	* 790.23	* 2

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).

and pursuant to section 943.325, Florida Statutes, having been convicted of attempts or offenses relating to sexual battery (ch. 784) or lewd and lascivious conduct (ch. 800), the defendant shall be required to submit blood specimens.

Defendant John Bailey, Esq. Green, case Number CPC 91-19930, OBTB Number

## SENTENCE

RE-SENTENCING PURSUANT TO  
MANDATE

(As to Count 1)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald Hersey, 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 resentence 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 shall pay total statutory costs in the amount of \$ \_\_\_\_\_.
- The defendant shall pay attorney fees and costs of defense as determined by the Court.
- The defendant shall 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 Pinellas 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 5 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 Department of Corrections 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.

## SENTENCE

(As to Count 2)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald Haray, 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 resentences 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 shall pay total statutory costs in the amount of \$ \_\_\_\_\_.
- The defendant shall pay attorney fees and costs of defense as determined by the Court.
- The defendant shall 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 Pinellas 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 10 years 5 years. \* amended 11/13/01  
per court order dated  
11/13/01 ~~et~~ 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 Department of Corrections, 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.

Defendant:

John Bailey & Anna Case Number CRC 97-19910 DTSB Number

## SENTENCE

(As to Court 4)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald Murray, 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 resentence 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 shall pay total statutory costs in the amount of \$ \_\_\_\_\_

The defendant shall pay attorney fees and costs of defense as determined by the Court.

The defendant shall 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 Pinellas 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 5 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 Department of Corrections, 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.

Defendant

*Johnnie Bailey*

Case Number CRC 91-1844-CF-A20

Other Provisions: (continued)

Retention of Jurisdiction

The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

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: CRC 91-1844-CF-A20

\* 12-18-96  
Amended

It is further ordered that:

Restitution is not applicable in this case.

Restitution is ordered in an amount to be determined

Restitution is ordered as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Restitution is not ordered for the following reason(s):  
\_\_\_\_\_

Restitution to State:

The defendant must make payment of any debt due and owing to the state under section 960.17 and 948.03(1)(g), Florida Statutes. The amount of such debt shall not exceed \$10,000 and shall be determined by the Court at a later date upon final payment by the Crimes Compensation Trust Fund on behalf of the victim.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas 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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida, this 15 day of *July*, 1994

*Amended correct  
to reflect correct  
sentencing Judge  
signature  
11-17-94*

*Blanchard*

JUDGE

Defendant

Other Provisions: (continued)

Retention of Jurisdiction

The court retains jurisdiction over the defendant pursuant to section 847.16(3), Florida Statutes (1983).

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: CRC 91-4844, claus

It is further ordered that:

Restitution is not applicable in this case.

Restitution is ordered in an amount to be determined.

Restitution is ordered as follows:

\_\_\_\_\_  
\_\_\_\_\_

Restitution is not ordered for the following reason(s):

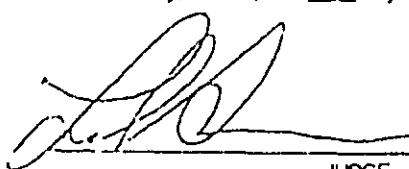
\_\_\_\_\_  
\_\_\_\_\_

In the event the above sentence is to the Department of Corrections, the Sheriff of Pinellas 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

DONE AND ORDERED in open court at Clearwater, Pinellas County, Florida, this 15 day of July 1994



JUDGE

Page 4

CLERK OF COURT

RECEIVED



STATE OF FLORIDA - PINELLAS COUNTY  
I hereby certify that the foregoing is  
a true copy as the same appears among  
the files and records of this court.

This 13 day of November 2001  
KARLEEN F. De BLAKER  
Clerk of Circuit Court

By *[Signature]*  
Deputy Clerk

0100

## Florida Second District Court of Appeal Docket

## Case Docket

Case Number: 2D22-0239

Criminal Habeas Corpus Petition from Pinellas County

JOHN BAILEY vs. RICKY D. DIXON, SECRETARY OF THE FLORIDA DEPT. OF CORRECTIONS

Lower Tribunal Case(s):91-19920

5/20/2022 1:52:14 PM

Date Docketed	Description	Filed By	Notes
01/24/2022	Petition Filed	John Bailey	FEE WAIVED AS A SUMMARY
01/24/2022	Acknowledgment Letter 1		
01/24/2022	Acknowledgment Letter 1		
01/27/2022	Emergency Motion	John Bailey	EMERGENCY MOTION FOR LEAVE TO FILE AN EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS SEEKING IMMEDIATE RELEASE AND EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS SEEKING IMMEDIATE RELEASE
02/14/2022	Motion To File Supplemental Record	John Bailey	
02/23/2022	denial of habeas corpus		Petitioner's petition for writ of habeas corpus is denied. Petitioner's "emergency motion for leave to file successive petition for writ of habeas corpus and appeal of lower court's denial of motion to correct illegal sentence, etc." is denied. Petitioner's motion for leave to supplement is denied.
02/23/2022	Deny Miscellaneous Motion-79a		Petitioner's "emergency motion for leave to file successive petition for writ of habeas corpus and appeal of lower court's denial of motion to correct illegal sentence, etc." is denied. Petitioner's motion for leave to supplement is denied.
02/23/2022	Denied - Order by Judge		SLEET, ROTHSTEIN-YOUAKIM, and ATKINSON
03/21/2022	Case Closed		

# Supreme Court of Florida

TUESDAY, MAY 17, 2022

**CASE NO.: SC22-329**

Lower Tribunal No(s).:

522015CF012176000APC; 521991CF019920XXXXNO

JOHN BAILEY

vs. FLORIDA COMMISSION ON  
OFFENDER REVIEW

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Petitioner(s)

Respondent(s)

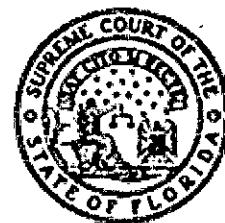
The petition for writ of habeas corpus is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues that were or could have been raised on direct appeal or in prior postconviction proceedings. *See Denson v. State*, 775 So. 2d 288, 290 (Fla. 2000); *Breedlove v. Singletary*, 595 So. 2d 8, 10 (Fla. 1992). Any motions or other requests for relief are also denied. No motion for rehearing or reinstatement will be entertained by this Court.

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

A True Copy

Test:

  
John A. Tomasino  
Clerk, Supreme Court



**CASE NO.: SC22-329**

Page Two

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Served:

RANA MARIE WALLACE  
JOHN BAILEY  
HON. KEN BURKE, CLERK