

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.

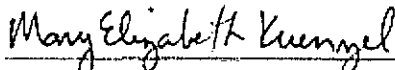
I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

ATTORNEY GENERAL, TAMPA
KEN BURKE, CLERK

JOHN BAILEY

td


Mary Elizabeth Kuenzel
Clerk



App. A

6 (a)

IN THE CIRCUIT COURT IN AND FOR PINELLAS COUNTY, FLORIDA

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

STATE OF FLORIDA,

Plaintiff,

vs.

JOHN AMIN,

Defendant.

BEFORE: The Honorable Brandt C. Downey, III

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 was referred
all charges including
firearm*

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

*Exhibit
APP. 6*

Ex. 1

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 Downing

Sept. 29, 30, 1992
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.

X
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 presiding
22 over the case. He doesn't feel that you would be fair to
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.

GREGG R. STONE
& ASSOCIATES

EXH. 2
APP. E

EXH. 3
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

6 THE COURT: All right. We're here on case number
7 91-19920CFANO, division M, State v. John Amin, also known as
8 John Bailey. There is pending -- this case is set for trial
9 today. The amended Information has been filed alleging four
10 counts of felon in possession of firearm. There is currently
11 pending before the Court a Defense motion to suppress, or in
12 the alternative a motion in limine. My understanding is also
13 that there is a motion to remove me as the trial judge in this
14 matter. The record needs to reflect that Mr. Amin is present
15 in chambers for purposes of this hearing, along with his
16 attorney, and the State's attorneys, of course, are present
17 also.

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 under
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

(9)

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 didn't
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

39836
1
3-19-200
IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT,
IN AND FOR PINELLAS COUNTY, FLORIDA
DIVISION: FELONY

STATE OF FLORIDA

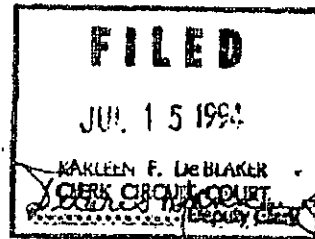
CASE NUMBER CRC

91-19920 OFANO - K

vs

John Bailey aka Amin
Defendant * 01089600

SPN:



JUDGMENT

The Defendant, John Bailey aka Amin, being personally before this
court represented by Donald Hurray, the attorney of record,
and the state represented by Joseph W. Warden, 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	Felonious Possession of Firearm	* 790.23	* 2°
2	Felonious Possession of Firearm	* 790.23	* 2°
4	Felonious Possession of Firearm	* 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 900.02, 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
COURT ORDER SECTION

WATER/COLORED INK

App D

0071

Defendant John Bailey Jr. Amin Case Number CRC 91-14920 DBTS Number _____

SENTENCE

(As to Count 1)

RE-SENTENCING PURSUANT TO
MANDATE

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald Horrey, 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 _____ (date) deferred imposition of sentence until this date

_____ and the court having previously entered a judgment in this case on _____ (date) now resentsences the defendant

_____ 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.

0072.

Defendant John Bailey & 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 Horsey, 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 _____ (date) deferred imposition of sentence until this date

_____ and the court having previously entered a judgment in this case on _____ (date) now resents the defendant

_____ 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.

0073

Defendant John Bailey Jr Amis Case Number CRC 91-19920 OBTS Number _____

SENTENCE

(As to Count 4)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald Harray, 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 _____ (date) deferred imposition of sentence until this date

_____ and the court having previously entered a judgment in this case on _____ (date) now resentsences the defendant

_____ 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 ^{AKA Lenny} Case Number CHC 91-19920CFAND
Other Provisions: (continued)

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

Consecutive/Concurrent ☒ It is further ordered that the composite term of all sentences imposed for As To Other Convictions 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: CRS 91-4844CFAND

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.

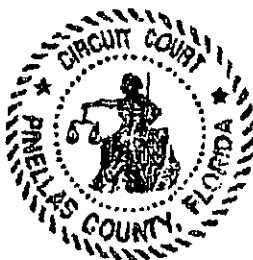
The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

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 judges
signature
11-17-94*

[Signature]
JUDGE



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 Nov. 1994
KARLEEN F. De BLAKER
Clerk of Circuit Court

BY: Sonya Hatch
Deputy Clerk

0076

Probation Violator
Community Control Violator
Retrial
☒ Resentencing

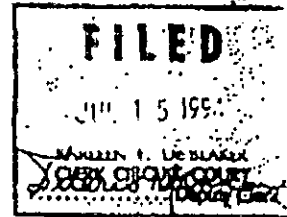
STATE OF FLORIDA

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

CASE NUMBER CBC 91-19920-CR-06

John Bailey aka Amin
Defendant * 01089600

SPN:



JUDGMENT

The Defendant, John Bailey aka Amin, being personally before this
court represented by Donald Ferray, the attorney of record,
and the state represented by Joseph Wain, 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	Felonious Possession of Firearm	* 790.23	* 2 nd
2	Felonious Possession of Firearm	* 790.23	* 2 nd
4	Felonious Possession of Firearm	* 790.23	* 2 nd

☒ 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. 794) or lewd and lascivious conduct (ch. 800), the defendant shall be required to submit
blood specimens.

Defendant John Bailey Jr. Arin Case Number CPC 91-14920 OBTS 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 Harvey, 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 _____ (date) deferred imposition of sentence until this date.

_____ and the court having previously entered a judgment in this case on _____ (date) now resentsences the defendant.

_____ 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 B. [unclear] Amos

Case Number CAC 91-7,920

CRB Number

SENTENCE

(As to Court 2)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald H. [unclear], 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 _____ (date) deferred imposition of sentence until this date.

☐ and the court having previously entered a judgment in this case on _____ (date) now resentsences the defendant.

☐ 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 11/5/01

☐ 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 & Assoc

Case Number CRC 91-1890

DBTS Number

SENTENCE

(As to Court 4)

The defendant, being personally before this court, accompanied by the defendant's attorney of record, Donald Hurray, 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.

☐ and the court having previously entered a judgment in this case on _____ now resents the defendant.

☐ 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 858.04, 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

AKA *CRIMINAL*

Case Number

91-1992-18420

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 sentence 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-CI 420*

** 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*, 19*94*

*amended
to reflect correct
sentencing judges
signature
11-17-94*

Brault
JUDGE

Defendant John Bartholme Ann Case Number 91-199382

Other Provisions: (continued)

☐ Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 847.11(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: CPC 91-4844 James

It is further ordered that:

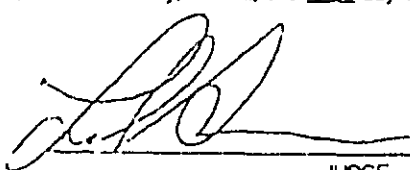
- ☒ Restitution is not applicable in this case.
- ☐ Restitution is ordered in an amount to be determined.
- ☐ Restitution is ordered as follows: _____
- ☐ Restitution is not ordered for the following reason(s): _____

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, 19 94


JUDGE

Ways _____ 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 13 day of November 2001

KARLEEN F. De BLAKER
Clerk of Circuit Court

By Cynthia J. [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

Petitioner(s)

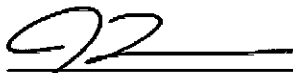
Respondent(s)

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.

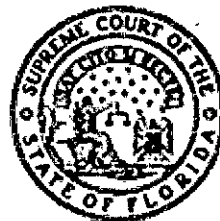
LABARGA, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ.,
concur.

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