

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

RANDOLPH J. NORWOOD,

Appellant,

v.

Case No. 5D22-152

LT Case No. 2021-CA-005544-O

STATE OF FLORIDA,

Appellee.

Decision filed May 10, 2022

Appeal from the Circuit Court
for Orange County,
Jeffrey L. Ashton, Judge.

Randolph J. Norwood, Bristol, Pro se.

Ashley Moody, Attorney General,
Tallahassee, and Robin A. Compton,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

AFFIRMED.

EISNAUGLE, SASSO and WOZNIAK, JJ., concur.

APPENDIX A

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO. 2021-CA-005544-O
DIVISION 37

RANDOLPH JULIAN NORWOOD,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

THIS MATTER came before the Court for consideration of the Petition for Writ of Habeas Corpus, filed on June 1, 2021. It has been reviewed pursuant to Florida Rule of Civil Procedure 1.630 and Florida Rule of Criminal Procedure 3.850(m). The Court finds as follows:

Issues regarding a prisoner's incarceration must be filed with the clerk of the court in the county where an inmate is detained. § 79.09, Fla. Stat.; *Gisi v. State*, 119 So. 2d 534, 535 (Fla. 5th DCA 2013). This Court lacks authority to rule on a petition for writ of habeas corpus filed by a prisoner detained outside the Court's territorial jurisdiction. *Raley v. State*, 675 So. 2d 170, 172 (Fla. 5th DCA), *cause dismissed*, 678 So. 2d 1287 (Fla. 1996). Because Petitioner is incarcerated at the Liberty Correctional Institution, which is located in Liberty County, habeas corpus relief regarding his incarceration is not available to him in Orange County.

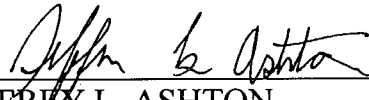
This Court does have jurisdiction to consider Petitioner's attack on the validity of his convictions and sentences for home invasion robbery, aggravated assault, and grand theft in Ninth Judicial Circuit case number 1998-CF-016454-A-O. *Whitfield v. Dep't of Corr.*, 202 So. 3d 116, 117 (Fla. 5th DCA 2016). "However, 'habeas corpus is not to be used for additional appeals of issues that could have been or were raised on appeal or in other postconviction motions.'" *Rafael v. Crews*, 154 So. 3d 505, 506 (Fla. 4th DCA 2015) (quoting *Green v. State*, 975 So. 2d 1090, 1115 (Fla. 2008)). "Since the adoption of Rule 3.850 and its predecessor, the courts have consistently held that it is inappropriate to collaterally attack a conviction through the process of habeas proceedings because such claims are cognizable under the rule." *Richardson v. State*, 918 So. 2d 999, 1002 (Fla. 5th DCA 2006). "Clearly, habeas corpus petitions that seek to obtain collateral relief regarding claims that could or should have been raised on direct appeal of the judgment and sentence . . . should not be treated as Florida Rule of Criminal Procedure 3.850 motions, but rather should be dismissed." *Id.* at 1003-1004.

In the instant Petition, Petitioner raises two claims. First, he asserts that he was improperly convicted on an uncharged offense with respect to his conviction for home invasion robbery, as the name of the victim named in the information was allegedly different from the name of the victim who testified at trial. Second, he asserts that his conviction for home invasion robbery is void because the information failed "to set

out definitely and directly the ownership of the dwelling alleged to have been entered.” However, Petitioner’s claims could have been, should have been, or actually were raised on direct appeal or in a postconviction motion pursuant to Rule 3.850, and as set forth above, habeas corpus is not available for such challenges.

Therefore, it is ORDERED and ADJUDGED that the Petition for Writ of Habeas Corpus is DISMISSED. The Clerk of the Court shall CLOSE this case forthwith.

DONE and ORDERED in Chambers in Orlando, Orange County, Florida, this 3rd day of June, 2021.


JEFFREY L. ASHTON
Circuit Judge

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Order has been provided this 3rd day of June, 2021 via U.S. Mail / e-mail to Randolph Julian Norwood, DC# 346194, Liberty Correctional Institution, 11064 N.W. Dempsey Barron Rd., Bristol, FL 32321-9711; and to the Postconviction Felony Unit, Office of the State Attorney, 415 N. Orange Ave., Orlando, FL 32801 at PCF@sao9.org.


Judicial Assistant