

APPENDIX

A

Div 15
Beonides

7/24

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAM-DADE COUNTY, FLORIDA

EDWARD B. BROWN,
Defendant.

Legal Mail
Provided to
Blackwater River Correctional
and Rehabilitation Facility
on 7/16/17 for mailing. EB
Initials

V.

RULE 3

CASE NO: FI4000700

STATE OF FLORIDA,
Plaintiff.

FILED FOR RECORD
2020 JUL 17 AM 7:47
CLERK
MIAM-DADE COUNTY FLA
CIRCUIT CRIMINAL DIV

SECOND AMENDED
MOTION FOR POSTCONVICTION RELIEF 3.850(a)(1)

COMES NOW, the Defendant, EDWARD BROWN, Pro se, Pursuant to Fla. R. Crim. P. 3.850, and moves to vacate and set aside the Judgment and sentence attacked herein.

As grounds, Defendant therefore shows the following:

1. Name and location of the court that entered the Judgment of conviction under attack: ELEVENTH JUDICIAL CIRCUIT, IN AND FOR MIAMI-DADE COUNTY, FLORIDA.
2. Date of Judgment of conviction: September 22, 2016.
3. Length of sentence: LIFE.

4. Nature of offenses involved all counts: Statute 812.13(2)(A) first degree felony (1) count of ROBBERY ARMED FIREARM OR Deadly weapon, Statute 782.04(2) second degree felony (2) counts of Attempted Murder deadly weapon OR FIREARM.

5. Defendant entered a NOT guilty Plea to all charges.

6. THE Judgment resulted from a TRIAL.

7. Defendant did NOT testify at TRIAL.

8. Did you Appeal, Answer the following:

(a). Name of court: THIRD District court of Appeal for the State of Florida. AND THE Circuit court of the ELEVENTH Judicial Circuit, IN AND FOR MIAMI-DADE COUNTY, Florida.

(b). Result: PER CURIAM AFFIRMED IN THE District Appeal court AND POSTCONVICTION motion PENDING.

(c). DATE OF Result: Mandate on appeal court February 8TH, 2019, AND POSTCONVICTION motion filed December 27TH, 2019.

(d). Citation: Brown v. State, 263 So.3d 1121(2019), 2019 WL 312339.

9. other than a direct Appeal from the Judgment of conviction and sentence, Have you previously filed any petitions, Applications, Motions, etc, with Respect to the Judgment in this court? : yes.

10. IF your ANSWER to Number 9 was "yes", give the following information (applies only to proceedings in this court):

(1). Nature of the proceeding: 3.850 Postconviction.

(2). Grounds raised: 17 Grounds.

(3). Did you receive an evidentiary hearing on your petition, application, Motion, etc. ? : NO.

(4). Result: Motion Pending.

(5). DATE of Result: Pending.

THE Pro se Defendant EDWARD BROWN, Pursuant to the Florida Rule of criminal procedure 3.850. Hereby moves this Honorable court to vacate and set aside the defendant Judgment and sentence and grant him an Evidentiary Hearing and in support thereof the defendant makes ascertain that a motion to vacate, set aside, or correct a sentence is the proper vehical for challenging a sentence which, although within the permissible rang of sentences for a crime or crimes the defendant is convicted of is otherwise Erroneous. see; MANCINO v. State, 689 So.2d 1235, 22 Fla. L. Weekly D686 (Fla. Dist. Ct. App. 2d. Dist. 1997), review granted, 697 So.2d 512 (Fla. 1997). and as a general proposition, a defendant is Entitled to an Evidentiary Hearing on a postconviction relief motion unless (1) the motion, files, records in the case conclusively show that the defendant is Entitled to NO relief, or (2) the motion for a particular claim is legally insufficient. see; west's F. S. A. Pcr P Rule 3.850, therefor the Defendant shows as follows.

ON January 10TH, 2014 Detective Joseph Garcia Badge #0647 for the Homestead Police Department responded to the ER Graham Building in Miami reference obtaining an ARREST WARRANT for the Defendant, and the WARRANT was Entered into the system. the ARREST WARRANT was issued for the Defendant ARREST and the ARREST WARRANT from the 11TH Judicial Circuit Court of Florida for Miami - Dade County was faxed to the Authority's in the State of South Carolina to ARREST and Detain the Defendant for offenses of Statute 784.02(1)(A) third degree felony (1) count of ASSAULT/AGGRAVATED/ with FIREARM. Statute 812.13(2)(A) first degree felony (1) count of ROBBERY/ARMED/FIREARM or DEADLY WEAPON. Statute 790.23(1) Second degree felony (1) count of FIREARM/WEAPON/AMMUN/POSN/ CONVD FELON/DELINQUENT. Statute 782.04(2) first degree felony (1) count of MURDER second degree/ATTEMPT/DEADLY WEAPON/FIREARM. upon the Defendant ARREST and Detainment in the State of South Carolina, the Defendant was held at Lee County Jail "Regional Detention Center, 1250 Winkles Road", for an extent of (20) days "Original ARREST DATE" January 17TH, 2014 and EXRADICTED Back to the State of Florida, City of Miami - Dade County Jail "Turner Guilford Knight Corrections, 7000 NW 41ST Street ON February 6, 2014. while Detained in the Miami - Dade Jail the Defendant received an ARREST WARRANT and ARREST AFFIDAVIT from the Miami - Dade State Attorney Office By a Motion to Compell Police Reports Sometime in the year of "2015 under the Florida Rule of Criminal Procedure 3.220. ON October 27TH, 2019 the Defendant filed a FREEDOM of INFORMATION/Privacy Act Request and/or Public Record Request to the Central Court of Lee County Chief Magistrate of South Carolina where the Defendant was ARRESTED and Detained Requesting for a copy of the Original ARREST WARRANT that was faxed to them in the Month of January 13TH, 2014. ON

November 13TH, 2019 the defendant received the "original" ARREST WARRANT that was faxed to the Authority's of South Carolina Regarding his ARREST and Detainment, from South Carolina Chief Magistrate "Shirley C. Davidson". Note: the ARREST WARRANT from The 11TH Judicial Circuit court that was used for the defendant ARREST and Detainment is NOT Signed or Dated By an MIAMI-DADE county Circuit Court Judge as Expected Honorable Judge "Eric Wm. Hendon" as appears ON the ARREST WARRANT that was provided to the defendant in his 3.220 Discovery packet, as well as theres NO Deputy CLERK of the court Signature or CLERK of the court "Seal" for AFFirmation and certification for the state of South Carolina or the state of Florida Authority's to Proceed with the Defendant ARREST And Detainment in the case at hand. Further more the ARREST WARRANT that was Provided to the defendant By the MIAMI-DADE State Attorney Office in the year of "2015" through 3.220 deposition and Discovery Rules of Procedure gives a reasonable doubt of SufficiantNESS as well Because ON June 1st, 2020 the Defendant filed again ANOTHER FREEDOM of information/Privacy Act Request and/or Public Record Request to the Chief CLERK of Courts "HARVEY RUVIN" of the 11TH Circuit and county Courts Requesting for verification of the hand signature of the Deputy CLERK that is Puported to have signed the ARREST WARRANT that was Provided with Discovery. Note: the Defendant was Specific in his Request By giving the CLERK identification Number "Stamped" ON the WARRANT, ON June 17th, 2020 regarding the Request. Deputy CLERK "MATTHEW C. PILARTE" I.D Number 2957, Responded Statting that they "office" have NO information ON the CLERK that signed the ARREST WARRANT. the Defendant has NOW Shown the alleged Defects and DELiberatly Shown the falshood in reckless Disregard of its truth.

A. GROUND(1).

THE DEFENDANT CONTENDS THAT HIS JUDGMENT, SENTENCE AND CONVICTION IS ILLEGAL DUE TO THE ARREST WARRANT THAT WAS USED FOR HIS ARREST WHICH CONSTITUTES "FRUIT OF A POISONOUS TREE" WHERE THE DEFENDANT 4TH AND 14TH UNITED STATES CONSTITUTIONAL RIGHTS HAS BEEN VIOLATED AS WELL AS HIS FLORIDA CONSTITUTIONAL RIGHT ARTICLE (1) -- DECLARATION OF RIGHTS SECTION (12) ON THE GROUNDS THAT THE ARREST WARRANT THAT WAS USED FOR HIS ARREST IS INVALID AND VAGUE.

ARGUMENT:

THE DEFENDANT CONTENDS THAT HIS JUDGMENT, SENTENCE AND CONVICTION IS ILLEGAL WHERE THE ARREST WARRANT THAT WAS USED FOR HIS ARREST AND DETAINMENT IS INVALID AND VAGUE BECAUSE THE ARREST WARRANT FOR HIS ARREST DOES NOT HAVE A CIRCUIT COURT MAGISTRATE SIGNATURE FOR AFFIRMATION, DEPUTY CLERK OF COURT SIGNATURE OR COURT SEAL FOR CERTIFICATION IN WHICH WEST'S F.S.A. § 901.02(1)(2)(a)(b)(c)(3)(a)(b)(c)(4). STATES "A JUDGE UPON EXAMINATION OF THE COMPLAINT AND PROOF SUBMITTED, IF SATISFIED THAT PROBABLE CAUSE EXISTS FOR THE ISSUANCE OF AN ARREST WARRANT FOR A CRIME COMMITTED WITHIN THE JUDGE'S JURISDICTION, SHALL THEREUPON ISSUE AN ARREST WARRANT "SIGNED BY THE JUDGE" WITH THE JUDGE'S NAME OF OFFICE." AS WELL AS FLORIDA RULE CRIMINAL PROCEDURE 3.121(a)(b). STATES "AN ARREST WARRANT, WHEN ISSUED SHALL BE "SIGNED BY THE JUDGE WITH THE TITLE OF THE OFFICE", OR MAY BE ELECTRONICALLY

Signed By the Judge if the ARREST WARRANT Bears the AFFiant's Signature or electronic Signature, is supported By Oath or AFFirmation Administered By the Judge or the person Autherized By LAW to Administer Oaths and if Submitted electronically is Submitted By reliable electronic means". the THE Defendant contends that his 4TH and 14TH CONSTITUTIONAL Rights of the United States has BEEN violated as well as his FLORIDA CONSTITUTIONAL Right, Article (1)--Declaration of Rights Section (12) searches and seizures which is construed in CONformaty with the 4TH Amendment to the United States CONSTITUTION and Supreme courts of the United States which States "searches and seizures, shall NOT Be violated, and NO WARRANT shall issue, But upon Probable cause, supported By Oath or AFFirmation. and though FLORIDA Statue section 901.02 States that a WARRANT is issued at the time it is Signed By the Judge, FLORIDA Rule CRiminal Procedure 3.121 Requires that it Be in writing. and Now though Because of this Judicial ~~Harmful~~ Error this is an issue in the Defendant case of "Fruit of a Poisonous Tree" where all of the Evidence is inadmissible as Evidence Because of the UNlawful ARREST With an invalid ARREST WARRANT for the Defendant ARREST, Detainment and Prosecution. in California v. Hodari, 499 U.S. 621 (1991), it was concluded that an ARREST is the Quintessential Seizure of the person. Therefor the Authority of the state of FLORIDA or South Carolina should NOT have found Probable cause sufficient enought to ARREST and Detain the Defendant Because there stands NO reliability of AFFirmation or Certification were Both state Authority's failed to adequately establish certification of the court Documents Such as the invalid ARREST WARRANT TO proceed with the Defendant ARREST and Detainment. WHEREFOR The Defendant Judgment,

Sentence and conviction is illegal and is vulnerable to collateral attack, in which this Honorable Judicial Circuit Court shall Entertain the Defendant 3.850 Postconviction Motion to vacate the conviction and Discharge the Defendant as MAY appear appropriate. See; Betancourt v. State, 224 So. 2d 378; (1969) Fla. APP. LEXIS 5512.

PLEASE SEE CASE Citations ON ARREST WARRANT:

West's FLORIDA Statute ANNOTated Chapter 901.02, etc.

West's FLORIDA Statute ANNOTated, FLORIDA Rule of Criminal Procedure Rule 3.121, etc.

Betancourt v. State, 224 So. 2d 378; (1969) Fla. APP. LEXIS 5512.

Gildrie v. State, 94 Fla. 134, 113 So. 704 (1927).

French v. State, Fla. APP., 1967, 198 So. 2d 668.

State v. Boyd, 717 So. 2d 524; 1998 Fla. LEXIS 1597.

D'AGOSTINO v. State, 310 So. 2d 12; 1975 Fla. LEXIS 3427.

California v. Hodari, 499 U.S. 621 (1991).

Drake v. State, 441 So. 2d 1079 (Fla. 1984).

Saldana v. State, 634 So. 2d 201 (Fla. 3d DCA 1994).

Please See Exhibit A-J.

Exhibit “A”

CASE SUPPLEMENTAL REPORT

Printed: 04/10/2014 00:15

Homestead Police Department

OCA: 1312300009

THE INFORMATION BELOW IS CONFIDENTIAL FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: PENDING / ACTIVE

Case Mng Status: PENDING / ACTIVE

Occurred: 12/30/2013

Offense: ROBBERY ARMED

Investigator: GARCIA, J. (0647)

Date / Time: 01/10/2014 22:46:09, Friday

Supervisor: BARKER, B. (0633)

Supervisor Review Date / Time: 02/07/2014 15:36:47, Friday

Contact:

Reference: Court Supplement

I RESPONDED TO THE ER GRAHAM BUILDING IN MIAMI REFERENCE OBTAINING AN ARREST WARRANT ON THE SUBJECT ON THIS CASE. I MET WITH ASA JACCI SESKIN REFERENCE OBTAINING THE WARRANT. I THEN WENT BEFORE JUDGE HENDON WHO SIGNED THE WARRANT. I THEN RESPONDED TO THE CLERK OF COURTS OFFICE AND THE WARRANT WAS ENTERED INTO THE SYSTEM. I THEN RESPONDED BACK TO THE SAO AND THE COPY OF THE WARRANT WAS GIVEN TO RAQUEL, SECRETARY FOR ASA JACCI SESKIN.

that suppose to be the DATE
and time the "WARRANT" was
Signed By a Judge. look at
the time! its 10:46:09 P.M
at night. what Judge is still
in the courtroom at this time?

Investigator Signature: _____

Exhibit “B”

FREEDOM OF INFORMATION/PRIVACY ACT REQUEST
AND/OR PUBLIC RECORD REQUEST

I/M NAME / ADDRESS

Edward B. Brown (#M57932)
Blackwater River Corrections
5914 Jeff Ales Road
Milton, FL 32583

AGENCY REQUESTED FROM:

Lee County Magistrate
115 Gregg Street / P.O. Box 2
Bishopville, SC 29010-0002

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a; and Chapter 119, Florida Statutes, Florida Public Record Act, I hereby request copies of the following documents. If for any reason you choose not to send me any of the documents or pages requested then please furnish me with a "Vaughn Index" as set forth in *VAUGHN V. ROSEN*, 484 F.2d 820 (D.C.D. 1973); and/or after an in camera hearing, a list and reasons why not as set forth in *STATE V. KOKAL*, 562 So.2d 324 (Fla. 1990)

I'm requesting for a correct copy of the Arrest warrant Tracking #
(2014A3110100022), THE STATE OF SOUTH CAROLINA Affidavit "THE DEFENDANTS
OR COURT COPY WARRANT # (F14--60), and a copy of the STATE OF South
CAROLINA, COUNTY OF SUMTER waiver of EXTRADITION. all DATED January
17, 2014, By Judge Bryan Keith Griffin - Judge Code #5043.

Please consider this request under the authority of FOIA, 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a; and Chapter 119, Florida Statutes, Florida Public Record Act.

In the event some of the materials is considered by you to be exempt from disclosure under the Acts and Chapters cited herein, then please included all segregated portions of documents and the specific exemptions you are relying upon to deny disclosure of the exercised. Please note that in order to avoid disclosure you must claim an appropriate exemption under all the Acts and Chapters listed herein.

I am requesting that you abide by the statutory time limits which to make a determination on this request, that being ten (10) working days from your receipt under Section 552(a) (6) (i); and/or an immediate hearing thereupon as provide by statute recognized in *SALVADOR V. FENNELLY*, 593 So.2d 1091 (Fla. 4TH DCA 1992), at 1092.

I request a fee waiver or at least a fee reduction, and/or the substantive benefits secured in West's Florida Session Law 2004 Laws No. 5, ch. 27.02 DUTIES BEFORE COURT. The information requested will not be used for any commercial purpose.

I, Edward Brown, hereby swear under the penalty of perjury that I am requesting all of the above information and documents for my personal use, in my postconviction challenges. *CAMBELL V. STATE*, 593 So.2d 1148 (Fla. 1991).

Edward Revenous Brown
DC#M57932

DECLARATION

I DECLARE UNDER THE PENALTY OF PERJURY that I, Edward E. Brown, have read the foregoing FREEDOM OF INFORMATION/PRIVACY ACT REQUEST AND/OR PUBLIC RECORD REQUEST, that I am the appellant in the above-styled causes, and that I have personal knowledge of the fact and matters therein set-forth and alleged and that each and all of these facts and matters therein set-forth and alleged are true.

ACCORD: WILLIAMS V. BROWMAN, 981 F.2d 901 (6th Cir. 1992);
Ch. 92.525, Fla. Stat.

Executed this 27th day of OCTOBER, 2019 by the undersigned.

Edward Revenous Brown
DC# M57932
Blackwater River corrections
5914 Jeff Ates Road
Milton, FL 32583

Exhibit “C”

Lee County Judicial Center

Central Court

P. O. Box 2

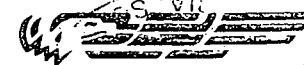
115 GREGG STREET

Bishopville, SC 29010

Σ6206u
80/513



U.S. POSTAGE PITNEY BOWES



ZIP 29010

02 4W

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\$ 000.50⁰



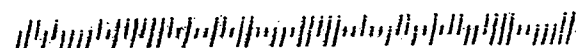
Edward R. BROWN (DC #M57932)

Blackwater River Correctional Facility

5914 Jeff Ates Road

Milton, FL 32583

325838233 R016



Judicial Center
Central Court
115 Gregg Street
Post Office Box 2
Bishopville, South Carolina 29010
Telephone (803)484-6463 Fax (803)484-5163

Shirley C. Davidson
Chief Magistrate

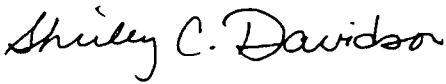
Palmella Andrews-Brown
Associate Chief Magistrate

November 5, 2019

Edward R. Brown (DC#M57932)
Blackwater River Correctional Facility
5914 Jeff Ates Road
Milton, FL 32583

Re: Freedom Information Act Request

Enclosed please find the information you requested


Shirley C. Davidson
Chief Magistrate

Enc.

Exhibit “D”

WARRANT TYPE: ARREST WARRANT
AWP#: 14000025
COURT CASE NUMBER: F14000700

CASE TYPE: FELONY
REFILE INDICATOR:
DIVISION: DE LA D, MIGUEL M

TO ALL AND SINGULAR SHERIFFS OF THE STATE OF FLORIDA, GREETINGS:
YOU ARE HEREBY COMMANDED TO IMMEDIATELY ARREST THE DEFENDANT AND BRING HIM OR
HER BEFORE ME, A JUDGE IN THE 11TH JUDICIAL CIRCUIT OF FLORIDA, TO BE DEALT
WITH ACCORDING TO LAW.

DEFENDANT'S NAME: BROWN
LAST

EDWARD
FIRST

REVENOUS
MIDDLE

TTL

* ALERT: SIGNAL 100 ** CONTACT CAREER CRIMINAL SECTION AT 471-2300.
AKA(S): BROWN, EDWARD REVOLUSSE BROWN, EDWARD R.
STR/APT/CITY/ST/ZIP: 1513 N.W. 5TH AVENUE / FLORIDA CITY / FL/ 33034
DOB: 03/28/1990 RACE: B SEX: M HEIGHT: 602 WEIGHT: 166 HAIR: BLK EYES: BRO
SOC SEC #: [REDACTED] CIN #: 751996 SID #: 5194475 FBI #: 88255PB2
SCARS, MARKS, TATTOOS: IDS #: 1243685
DRIVERS LICENSE #: B650236901000 STATE: FL
VEH TAG #: STATE: MAKE: MODEL: YEAR: COLOR:
COMMENTS: BOND SET: NO BOND

PROBATION:

BEFORE ME PERSONALLY CAME GARCIA, JOSEPH, AFFIANT WHO BEING
SWORN, STATES THAT THE DEFENDANT ** BROWN, EDWARD, REVENOUS ** DID COMMIT THE
ACTS STATED IN THE ATTACHED STATEMENT OF FACTS. BASED UPON THIS SWORN STATEMENT
OF FACTS, I FIND PROBABLE CAUSE THAT ** BROWN, EDWARD, REVENOUS ** DID COMMIT
THE CRIME(S) OF:

1. AGGRAVATED BATTERY - AGGRAVATED WITH A FIREARM
F 1 812.13(2)(A) ROBBERY/ARMED/FIREARM OR DEADLY WEAPON - FBI
F 2 790.23(1) FIREARM/WEAPON/ARMED/POSS/CONVICT FELON/DELINQUENT
F 1 782.04(2) MURDER 2D DEGREE/ATTEMPT/DEADLY WEAPON/FIREARM
IN DADE COUNTY, FLORIDA, CONTRARY TO FLORIDA STATUTES AND AGAINST THE PEACE AND
DIGNITY OF THE STATE OF FLORIDA.

POLICE CASE # 1312300009 AGENCY: HOMESTEAD UNIT: 046
ASSISTANT STATE ATTORNEY: SESKIN, JACCI

EXTRADITE INFORMATION

EXTRADITION CODE: 1 - FELONY - FULL EXTRADITION UNLESS OTHERWISE NOTED IN MIS FIEL
EXTRADITION MAY BE CONFIRMED WITH THE METRO-DADE POLICE DEPARTMENT, DADE COUNTY
** IN ANY EVENT, DEFENDANT WILL BE ARRESTED IF FOUND IN THE STATE OF FLORIDA **

SWORN TO BY AFFIANT GARCIA, JOSEPH COURT ID 010- 647
SO ORDERED THIS 10 DAY OF JANUARY 2014

HENDON, ERIC WM

NO BOND

JUDGE IN THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY FLA

BOND AMOUNT

() FIRST APPEARANCE JUDGE MAY NOT MODIFY CONDITION OF RELEASE
(RULE 3.131(D)(1)(D))

() TO ANSWER UNTO THE STATE OF FLORIDA ON AN INFORMATION OR INDICTMENT
FILED AGAINST HIM OR HER BY THE STATE ATTORNEY FOR THE CHARGE(S) OF:
() UPON ORDER OF A JUDGE IN THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR
FAILURE TO APPEAR IN COURT TO ANSWER THE PENDING CHARGE(S) FOR THE
CHARGE(S) OF:

HARVEY RUVIN, CLERK OF THE COURT

DEPUTY CLERK

DATE

Exhibit “E”

WARRANT TYPE: ARREST WARRANT
AWPS#: 14000025
COURT CASE NUMBER: F14-700

CASE TYPE: FELONY
REFILE INDICATOR:
DIVISION: F015

TO ALL AND SINGULAR SHERIFFS OF THE STATE OF FLORIDA, GREETINGS:
YOU ARE HEREBY COMMANDED TO IMMEDIATELY ARREST THE DEFENDANT AND BRING HIM OR
HER BEFORE ME, A JUDGE IN THE 11TH JUDICIAL CIRCUIT OF FLORIDA, TO BE DEALT
WITH ACCORDING TO LAW:

DEFENDANT'S NAME: BROWN EDWARD REVENOUS
LAST FIRST MIDDLE TTL
* ALERT * SIGNAL ** CONTACT CAREER CRIMINAL SECTION AT 471-2300.
AKA(S): BROWN, EDWARD REVOUSSE BROWN, EDWARD R
STR/APT/CITY/ST/ZIP: 1513 N.W. 5TH AVENUE / / FLORIDA CITY / FL/ 33034
DOB: 03/28/1990 RACE: B SEX: M HEIGHT: 602 WEIGHT: 166 HAIR: BLK EYES: BRO
SOC SEC #: CIN #: 751996 SID #: FBI #:
SCARS, MARKS, TATTOOS: IDS #: 1243685
DRIVERS LICENSE #: B650236901080 STATE: FL
VEH TAG #: STATE: MAKE: MODEL: YEAR: COLOR:
COMMENTS:

PROBATION:

BEFORE ME PERSONALLY CAME GARCIA, JOSEPH (AFFIANT) WHO, BEING DULY
SWORN, STATES THAT THE DEFENDANT ** BROWN, EDWARD REVENOUS **, DID COMMIT THE
ACTS STATED IN THE ATTACHED STATEMENT OF FACTS. BASED UPON THIS SWORN STATEMENT
OF FACTS, I FIND PROBABLE CAUSE THAT ** BROWN, EDWARD REVENOUS ** DID COMMIT
THE CRIME(S) OF:

F 3 784.021(1)(A) ASSAULT/AGGRAVATED/WITH A FIREARM
F 1 812.13(2)(A) ROBBERY/ARMED/FIREARM OR DEADLY WEAPON - PBL
F 2 790.23(1) FIREARM/WEAPON/AMMUN/POSN/CONVTD FELON/DELINQUENT
F 1 782.04(2) MURDER 2D DEGREE/ATTEMPT/DEADLY WEAPON/FIREARM

IN DADE COUNTY, FLORIDA, CONTRARY TO FLORIDA STATUTES AND AGAINST THE PEACE AND
DIGNITY OF THE STATE OF FLORIDA.

POLICE CASE #: 1312300009 AGENCY: HOMESTEAD
ASSISTANT STATE ATTORNEY: SESKIN, JACCI UNIT: 046

EXTRADITE INFORMATION

EXTRADITION CODE: 1 - FELONY - FULL EXTRADITION UNLESS OTHERWISE NOTED IN MIS FIEL
EXTRADITION MAY BE CONFIRMED WITH THE METRO-DADE POLICE DEPARTMENT, DADE COUNTY
** IN ANY EVENT, DEFENDANT WILL BE ARRESTED IF FOUND IN THE STATE OF FLORIDA **

SWORN TO BY AFFIANT GARCIA, JOSEPH COURT ID 010- 647
SO ORDERED THIS 10 DAY OF JAN, 2013.

JUDGE IN THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY FLA
() FIRST APPEARANCE JUDGE MAY NOT MODIFY CONDITION OF RELEASE
(RULE 3.131(D)(1)(D))

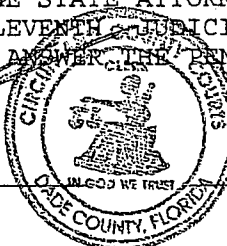
() TO ANSWER UNTO THE STATE OF FLORIDA ON AN INFORMATION OR INDICTMENT
FILED AGAINST HIM OR HER BY THE STATE ATTORNEY FOR THE CHARGE(S) OF:
() UPON ORDER OF A JUDGE IN THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR
FAILURE TO APPEAR IN COURT TO ANSWER THE PENDING CHARGE(S) FOR THE
CHARGE(S) OF:

HARVEY RUVIN, CLERK OF THE COURT

BY

DEPUTY CLERK

GO.C. 8103



JAN 00 2013

DATE

BOND AMOUNT

Exhibit “F”

2014A3110100022

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Lee

THE STATE

against

Edward Revenous Brown

Address: 1513 Nw 5Th Avenue

Florida City, FL -

Sex: M Race: B Height: 6 Weight: 166

State: DL #: SSN: [REDACTED]

DOB: 3/28/1990 Agency ORI #: SC0310000

Prosecuting Agency: Lee County Sheriff

Prosecuting Officer: W Mccutchen - 1044

Offense: Fugitive / Fug. from justice warrant, non-crim.

Hold fug. max. 20 days. Gov. Ofc.

Offense Code: 3135

Ordinance Sec: 17-09-0010

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
to be arrested and brought before me to be
admitted with according to the law.

(L.S.)

Signature of Judge

e:

RETURN

Copy of this arrest warrant was delivered to

Defendant: Edward Revenous Brown

Date: 1-17-14

Signature of Constable/Law Enforcement Officer

TURN WARRANT TO:

Lee County Magistrate
115 Gregg Street / P.O. Box 2
Bishopville, SC 290100002

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Lee

AFFIDAVIT

ORIGINAL

Form Approved
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant W Mccutchen

being duly sworn deposes and says that defendant Edward Revenous Brown

did within this county and state on or about 1/17/2014

State of South Carolina (or ordinance of ☒ County/☐ Municipality of

Lee

violate the criminal laws

in the following particulars:

DESCRIPTION OF OFFENSE: Fugitive / Fug. from justice warrant, non-crim. Hold fug. max. 20 days. Gov. Ofc.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The defendant did flee from Homestead, Florida, to avoid prosecution for the offense of Attempted Murder Warrant # F1400760 and issued by the court of Eleventh Judicial Circuit Court of Florida. The defendant is presently incarcerated in the Sumter Regional Detention Center, 1250 Winkles Rd., in the county of Sumter.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Lee

Affiant's Address 113 Gregg Street

Bishopville, SC 29010-

Affiant's Telephone (803)484-5353

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe

on or about 1/17/2014

defendant Edward Revenous Brown

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Lee

) as set forth below:

DESCRIPTION OF OFFENSE: Fugitive / Fug. from justice warrant, non-crim. Hold fug. max. 20 days. Gov. Ofc.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him/her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or soon thereafter as is practicable

Sworn to and subscribed before me

on 1/17/2014

Signature of Issuing Judge
Bryan Keith Griffin

Judge Code: 5043

(L.S.)

Judge's Address

Sumter, SC 29151-1428

Judge's Telephone (803)436-2283

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

Exhibit “G”

2014A3110-22

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lee

THE STATE
against

Edward Revenous Brown

Address: 1513 Nw 5Th Avenue

Florida City, FL -

Phone: _____ SSN: _____
Sex: M Race: B Height: 6 Weight: 166

DL State: _____ DL #: _____

DOB: 3/28/1990 Agency ORI #: SC0310

Prosecuting Agency: Lee County Sheriff

Prosecuting Officer: W Mccutchen - 1044

Offense: Fugitive / Fug. from justice warrant, non-crim.

Hold fug. max. 20 days. Gov. Ofc.

Offense Code: _____

Code/Ordinance Sec: 17-09-0010

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Edward Brown

on 1-17-14

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Lee County Magistrate
115 Gregg Street / P.O. Box 2
Bishopville, SC 290100002☒ County/ ☐ Municipality of
Lee

AFFIDAVIT

DEFENDANT
COPYS.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant W Mccutchen

being duly sworn deposes and says that defendant Edward Revenous Brown

did within this county and state on or about 1/17/2014

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Lee

in the following particulars:

DESCRIPTION OF OFFENSE: Fugitive / Fug. from justice warrant, non-crim. Hold fug. max. 20 days. Gov. Ofc.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The defendant did flee from Homestead, Florida, to avoid prosecution for the offense of Attempted Murder Warrant # F14-60 and issued by the court of Eleventh Judicial Circuit Court of Florida. The defendant is presently incarcerated in the Sumter Lee Regional Detention Center, 1250 Winkles Rd., in the county of Sumter.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lee

Affiant's Address: 115 Gregg Street
Bishopville, SC 29010-
Affiant's Telephone: (803)484-5353

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/17/2014

defendant Edward Revenous Brown

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Lee

) as set forth below:

DESCRIPTION OF OFFENSE: Fugitive / Fug. from justice warrant, non-crim. Hold fug. max. 20 days. Gov. Ofc.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable
Sworn to and subscribed before me:

on 1/17/2014

Signature of Issuing Judge (L.S.)

Bryan Keith Griffin

Judge Code: 5043

Judge's Address

Sumter, SC 29151-1428

Judge's Telephone (803)436-2283

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

Exhibit “H”

STATE OF
SOUTH CAROLINA
COUNTY OF
SUMTER

WAIVER OF EXTRADITION

I, Edward Revenous Brown, do hereby make the following statement and covenants of my own free will and accord, and without any fear, compulsion or dread of any person or persons, and without having held out to me any hope of reward for doing so. That I have been arrested in Sumter County, South Carolina, under an alleged preferred against me in the County Miami Dade State of Florida, placed by such officers or methods as the authorities of either County or State prefer, and do further release any liability existing or which may arise from any nature in the connection with my waiver and transfer. The foregoing to apply no matter what the alleged charge or charges may be against me.

Edward Brown
Sign and Date

State of South Carolina

County of Sumter

On this 17th day of January, 2014, before me personally appeared Brown Edward Revenous, who provided satisfactory evidence to be the person whose name is subscribed to this instrument, and he/she acknowledged that he/she executed the same.

Sgt Kenneth Williams 01/17/14
Witness for South Carolina Date

SECTION 17-9-10. Warrant for fugitive charged with crime in another state; temporary confinement; right to bail.

Any officer in the State authorized by law to issue warrants for the arrest of any person charged with crime shall, on satisfactory information laid before him under the oath of any credible person that any fugitive in the State has committed, out of the State and within any other state, any offense which by the law of the state in which the offense was committed is punishable either capitally or by imprisonment for one year or upwards in any state prison, issue a warrant for such fugitive and commit him to any jail within the State for the space of twenty days, unless sooner demanded by the public authorities of the state wherein the offense may have been committed, agreeable to the act of Congress in that case made and provided. If no demand be made within such time the fugitive shall be liberated, unless sufficient cause be shown to the contrary. Nothing herein contained shall be construed to deprive any person so arrested of the right to release on bail as in cases of similar character of offenses against the laws of this State.

Exhibit “I”

Legal Mail

Provided to
Blackwater River Correctional
and Rehabilitation Facility
on 6/1/20 for mailing. 10
Initials

FREEDOM OF INFORMATION/PRIVACY ACT REQUEST AND/OR PUBLIC RECORD REQUEST

EB

I/M NAME / ADDRESS

Edward B. BROWN DC# M57932
Blackwater River Correctional
5914 Jeff Ates Road
Milton, FL 32583-0000

AGENCY REQUESTED FROM:

HARVEY BLVIN, CLERK
Circuit AND County Courts
1351 N.W. 12th Street Suite 9000
MIAMI, FL 33125

RECEIVED JUN 15 2020

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the Privacy Act of 1974, 5. U.S.C. § 552a; and Chapter 119, Florida Statutes, Florida Public Record Act, I hereby request copies of the following documents. If for any reason you choose not to send me any of the documents or pages requested then please furnish me with a "Vaughn Index" as set forth in *VAUGHN V. ROSEN*, 484 F.2d 820 (D.C.D. 1973); and/or after an in camera hearing, a list and reasons why not as set forth in *STATE V. KOKAL*, 562 So.2d 324 (Fla. 1990)

I'm requesting for verification of the hand signature of the Deputy Clerk that purported to have signed the ARREST WARRANT of the year of 2013; see CASE NO: FL4000700. And to be more specific the Deputy clerk I.D NO; at the time or still is, is GO.C. 8103. I would like to have the name of that clerk in "Print" signature, or please send me proof of that clerk being certified under the I.D number stated within this request. see WARRANT Attached.

Please consider this request under the authority of FOIA, 5 U.S.C. § 552, and the Privacy Act of 1974, 5. U.S.C. § 552a; and Chapter 119, Florida Statutes, Florida Public Record Act.

In the event some of the materials is considered by you to be exempt from disclosure under the Acts and Chapters cited herein, then please included all segregated portions of documents and the specific exemptions you are relying upon to deny disclosure of the exercised. Please note that in order to avoid disclosure you must claim an appropriate exemption under all the Acts and Chapters listed herein.

I am requesting that you abide by the statutory time limits which to make a determination on this request, that being ten (10) working days from your receipt under Section 552(a) (6) (i); and/or an immediate hearing thereupon as provide by statute recognized in *SALVADOR V. FENNELLY*, 593 So.2d 1091 (Fla. 4TH DCA 1992), at 1092.

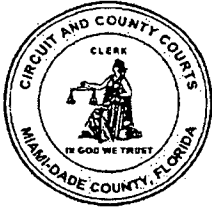
I request a fee waiver or at least a fee reduction, and/or the substantive benefits secured in West's Florida Session Law 2004 Laws No. 5, ch. 27.02 DUTIES BEFORE COURT. The information requested will not be used for any commercial purpose.

I, Edward BROWN, hereby swear under the penalty of perjury that I am requesting all of the above information and documents for my personal use, in my postconviction challenges. *CAMBELL V. STATE*, 593 So.2d 1148 (Fla. 1991).

EB
Edward BROWN DC# M57932

Exhibit “J”

Harvey Ruvin
CLERK OF THE CIRCUIT AND COUNTY COURTS
Miami-Dade County, Florida



☒ **CRIMINAL COURTS DIVISION**
☐ **TRAFFIC/MISDEMEANOR**
Richard E. Gerstein Justice Building
1351 N.W. 12th Street
Suite # 9000
Miami, Florida 33125
Telephone: (305) 275-1155

Date: 6/17/2020

Dear Sir/Madam:

Enclosed are the documents/information you requested from our office. If you need any further assistance, please contact our office at (305) 275-1155 between the hours of 9:00 a.m. to 4:00 p.m., or direct your inquiries to the Clerk of Courts, 1351 N.W. 12th Street, Miami, Fl. 33125, Suite 9000 or 8100 attention Research and Correspondence. Please refer to the items checked below for any further information concerning your request.

- ☐ Copies of Information, Judgment & Sentence, arrest form and clerk's minutes enclosed.
- ☒ The document(s) you requested is (are) not available through our office.
- ☐ The document(s) you requested has (have) been supplied to your attorney.
- ☐ The document(s) you requested was (were) previously supplied to you on _____.
- ☒ Other We have no information on the clerk that signed that A.W.

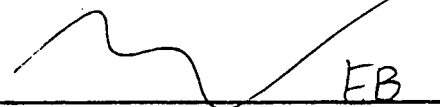
Sincerely,

Harvey Ruvin
Clerk of Courts

By: MATTHEW C PILARTE 2957
Deputy Clerk

Central Depository • Civil Division • Clerk of the Board • Code Enforcement • Comptroller/Auditor • County Recorder Criminal Division • District Courts Division • Family Courts Division • Human Resources / Administrative Services • Juvenile Division • Marriage License • Parking Violations • Records /Archives Management • Technical Services Division • Traffic Division • V.A.B.

Respectfully Submitted,

/s/  EB

Edward R. Brown, Defendant, Pro se

OATH/CERTIFICATE OF DEFENDANT

UNDER PENALTIES OF PERJURY, and administrative sanctions from the Department of corrections, including forfeiture of gain time if this motion is found to be frivolous or made in Bad faith, I certify that I understand the contents of the foregoing motion, that the facts contained in the motion are true and correct, and that I have a reasonable Belief that the motion is timely filed. I certify that this motion does Not duplicate previous motions that has Been disposed of By the court. I further certify that I understand English and have read the foregoing motion or had the motion read to me, or the foregoing motion was translated completely into a language, which I understand.

Executed on this 9TH day of July, 2020.

/s/  EB

Edward R. Brown, Defendant, Pro se

CERTIFICATE OF MAILING

I, HEREBY CERTIFY that a true and correct copy of the foregoing document/MOTION has been placed into the hands of prison officials at Blackwater River correctional facility for legal mailing to: HARVEY RUVIN CLERK CIRCUIT AND COUNTY COURTS OF MIAMI-DADE COUNTY, 1351 N.W. 12th Street Suite 9000 MIAMI, Florida 33125 AND KATHERINE FERNANDEZ RUNDLE STATE ATTORNEY ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, 1350 NW 12th AVENUE MIAMI, FLORIDA 33136-2102.

ON this 9TH day of July, 2020.

/s/  EB

Edward Revenous Brown

DC# M57932

Blackwater River corr. facility
5914 Jeff Ates Road
Milton, Florida 32583

APPENDIX

B

BD

08/21

F015

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

Case No. F14-700
Judge BEOVIDES

vs.

EDWARD BROWN,
Defendant

STATE'S RESPONSE TO DEFENDANT'S AMENDED MOTION
PURSUANT TO FLA. R. CRIM. P. 3.850(m)

COMES NOW KATHERINE FERNANDEZ RUNDLE, State Attorney of the Eleventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and files this Response to the Defendant's Motion for Post-Conviction Relief pursuant to Rule 3.850 and asks the Court deny the Defendant's Motion without an evidentiary hearing at this time. As grounds, the State would aver:

The Defendant fails to state a claim upon which relief can be granted. The Defendant argues that his judgment and sentence are illegal due to the fact that the Miami-Dade arrest warrant that was received by the State of South Carolina in order to effectuate his arrest was not signed or dated by a judge and that it does not contain a deputy clerk signature or seal.¹ The Defendant also attaches an arrest warrant cover page that is signed by a judge, dated and signed by a deputy clerk and stamped with the clerk of courts seal as Exhibit D. The Defendant cites a myriad of cases claiming that the cases support his position that his judgment and sentence are illegal due to this discrepancy. See Defendant's Amended Motion at page 8. Not one of the cases cited by the Defendant stand for this proposition. In fact, most of the cases cited do not even mention arrest warrants at all. The cases that do discuss arrest or search warrants pertain to the validity of the facts contained within the warrants. (emphasis added). The Defendant fails to state a claim upon which relief can be granted, and therefore, his Amended Motion for Post-Conviction Relief should be denied.

¹ The Defendant attaches what purports to be what he received from a Public Records Request to the Lee County Magistrate in the State of South Carolina (as Exhibit A) and what purports to be their response with a blank Miami-Dade County arrest warrant attached (as Exhibit B in his Amended Motion for Postconviction Relief pursuant to 3.850(m)).

Respectfully submitted,

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

By: _____
/s/ANNETTE M. RASCO
Assistant State Attorney
Florida Bar #92985
1350 Northwest 12th Avenue
Miami, Florida 33136
(305) 547-0100

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the above was furnished to Edward Brown,
by mail on this 8th day of August, 2020.

/s/ANNETTE M. RASCO
Assistant State Attorney

APPENDIX

C

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

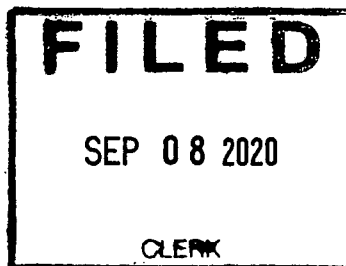
vs.

EDWARD BROWN,

Defendant

Case No. F14-700

Judge BEOVIDES



ORDER DENYING DEFENDANT'S AMENDED MOTION FOR POST-CONVICTION RELIEF

THIS CAUSE having come before this Court on the Defendant's Amended Motion for Post-Conviction Relief, and this Court having reviewed the Motion, the State's Response and being otherwise fully advised in the premises therein, hereby denies the Defendant's petition motion on the following grounds:

The Defendant fails to state a claim upon which relief can be granted.

It is hereby ORDERED AND ADJUDGED that the Defendant's Amended Motion for Post-Conviction Relief is hereby DENIED without an evidentiary hearing.

The Defendant has the right to appeal within 30 days of the rendition of this order. *See* Fla. R. Crim. P. 3.850(k).

In the event that the Defendant takes an appeal of this order, the Clerk of this Court is hereby ordered to transport, as part of this order, to the appellate court the following:

1. Defendant's Motion.
2. The Record on Appeal
3. The State's Response.
4. This Order.

DONE AND ORDERED in Miami, Miami-Dade County, Florida, on this the 31st day of September, 2020.


GINA BEOVIDES

Circuit Judge

cc: EDWARD BROWN, Defendant

ANNETTE RASCO, Assistant State Attorney

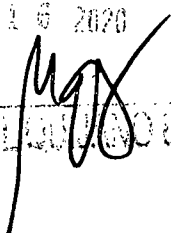
I CERTIFY that a copy of this order has been furnished to the MOVANT, EDWARD BROWN by mail this 16th day of SEPTEMBER, 20 20.


Deputy Clerk

RODEL QUIJANO 8945

STATE OF FLORIDA, COUNTY OF MIAMI
HEREBY CERTIFIED
original on file in book SEP 16 2020
HARVEY RUVIN, Clerk

Deputy Clerk


RODEL QUIJANO 8945

APPENDIX

D

IN THE DISTRICT COURT OF APPEAL
THIRD DISTRICT STATE OF FLORIDA

EDWARD BROWN,
Petitioner.

VS.

L.T. CASE NO: _____

APPEAL CASE NO: _____

THE STATE OF FLORIDA,
Respondent.

PETITION FOR WRIT OF CERTIORARI

COMES NOW, the Petitioner, Edward Brown, Pro se, and herein respectfully petitions this Honorable court for a writ of common LAW certiorari Pursuant to Fla. B. APP. P. 9.100(c) directed to the third district court of appeal, in and for MIAMI-DADE county, Florida.
IN support thereof the petitioner states:

BASIS FOR INVOKING JURISDICTION

THIS court has common LAW Jurisdiction to issue a writ of certiorari where the lower tribunal's action deviated substantially from the essential requirements of LAW and Procedure of the State of Florida and there exist no other adequate remedy to address this issue. see; Thompson v. Thompson, 635 So.2d 1064 (Fla. 5th DCA 1994).

This court has original Jurisdiction to issue the writ of Certiorari to complete exercising of its authority and Jurisdiction is therefore Properly invoked Pursuant to Fla. R. APP. P. 4.030(b)(3), see also Doss v. Florida Department of corrections, 730 So.2d 316 (Fla. 4th DCA 1999); and Sheley v. Florida Parole commission, 720 So.2d 216 (Fla. 1998).

FACTS UPON WHICH THE PETITIONER RELIES

An Appendix of Exhibits is also Provided herein By reference.

THE facts upon which the Petitioner relies on is the 3.850(a)(1) Postconviction motion for relief, a copy of the order denying the 3.850 motion, a copy of the writ of Mandamus, a copy of the Judicial Notice that was filed and a copy of the motion for rehearing in which all documents were overlooked.

NATURE OF RELIEF SOUGHT

THE Petitioner seeks the issuance of the writ of Certiorari Providing for the reversal of the respondent's denial of relief as Sought Below.

THE Petitioner seeks that this Honorable court grant all relief to which the Petitioner may be entitled to in this Proceeding, including But not limited to an evidentiary hearing, appointment of counsel for the evidentiary hearing and vacation of the Judgment, sentence and conviction or may discharge the Petitioner as the court deems.

ARGUMENT

IN Roy v. Wainwright, 151 So.2d 825, 828 (Fla. 1963), it was stated within that case "a prisoner in custody under the sentence of a court established by Law of Florida claiming the right to be released upon the grounds that the sentence was imposed in violation of the constitution or laws of the United States, or of the state of Florida, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by Law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside, or correct the sentence.

"OR unless the motions, files and record of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the prosecuting attorney of the court, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of Law with respect thereto. if the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by Law or otherwise open to collateral attack, or that there has been such a denial or an infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate, and set aside the judgment, or grant a new trial, or may discharge the prisoner as may appear appropriate". here the petitioner contends that the record clearly reflects that the petitioner by his due process rights under the postconviction proceedings filed a 3.850(m) motion for postconviction relief on March 20th, 2020 pending a

decision from the trial court, and while the amended 3.850(m) motion that was filed on record March 20th, 2020 was pending. Note: "Before the state prosecutor response filed August 8th, 2020, and the trial court order denying the 3.850(m) dated September 3rd, 2020. the Petitioner on July 9th, 2020 filed a "Second amended 3.850(a)(i), motion for postconviction relief contending that the Judgment, sentence and conviction is illegal because the Judgment was entered or sentence was imposed in violation of the constitution or laws of the United States or the State of Florida, due to the ARREST WARRANT that was used for the petitioner ARREST is NOT signed by a circuit court judge as requires Florida Rule Criminal Procedure Rule 3.121(a)(3)(b), and West's Florida Statutes ANNOTATED § 901.02 (1)(3)(a)(b)(4)." the ARREST WARRANT does not have a deputy clerk of court signature or the WARRANT is not rubber stamped with a court seal for certification of said documents which constitutes the WARRANT for the petitioner ARREST to be invalid and void. On August 8th, 2020 the state prosecutor filed a response to the amended 3.850(m), that was filed March 20th, 2020 requesting for a denial of the motion because it failed to state a claim upon which relief can be granted. On September 3rd, 2020, the hearing Judge Ms. Gina Becvides of the Eleventh Circuit in and for MIAMI-DADE denied the 3.850(m) motion for postconviction relief on grounds that the petitioner failed to state a claim on which relief can be granted. In the month of September 2020 after the states response and the judge ruling which was in error, the petitioner filed a motion for a rehearing under Rule 3.850(j), notifying the court of the deviated decision and requested for a proper ruling on the right postconviction motion, in which by law in Spera v. State,

971 So.2d 754 (Fla.2007). it is stated within that case that a postconviction relief motion should be denied simply because of a pleading defect, if that pleading defect can be remedied by a good faith amendment to the motion. upon the motion for rehearing the trial court never notified the petitioner within (15) days of service of the order, also a response was never provided to the petitioner within (10) days as stated in Rule 3.850(j). also in Rule 3.850 subdivision (j) it allows both the state and the petitioner the right to rehearing and is intended to allow the court to correct an obvious error without the expense and delay of a state appeal. See; King v. State, 870 So.2d 64 (Fla.2d DCA 2003). the petitioner further contends that the best way to test the credibility of such an allegation is to hold an evidentiary hearing, in which the trial court committed reversible error by not giving the petitioner the equal protection of the law founded under the united states constitution amendment (14), and the florida constitution Article (1) section (9), which states "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the united states; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." and the florida constitution Article (1) section (9), states "No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself." the petitioner also filed a "Judicial Notice of defendant motion for rehearing", notifying the trial court of its deviated actions which violated the petitioner rights.

CASE Citation Table Cite

Florida Rule Criminal Procedure Rule 3.121(2019).

West's Florida Statutes Annotation § 901.02(2019).

West's Florida Statutes Annotated Florida Constitution --
1968 Revision ARTICLE (1) -- Declaration of Rights section (9).

Constitution ARTICLES OF THE UNITED STATES AMENDMENT (14th), and (4th).

Younger v. State,
215 So.2d 313 (Fla. 4th DCA 1968).

Nix v. State,
173 So.2d 465 (Fla. 1st DCA 1965).

State v. Tolmie,
421 So.2d 1087 (Fla. 4th DCA 1982).

BETANCOURT V. State,
224 So.2d 378; 1969 Fla. App. LEXIS 5512.

State v. Boyd,
717 So.2d 524; 1998 Fla. LEXIS 1597; 23 Fla. Weekly 5425.

WONG SUN V. United States,
371 US 471, 9 L. Ed. 2d 441, 83 S.Ct. 407.

Leveson v. State,
138 So.2d 361; 1962 Fla. App. LEXIS 3411.

D'AGOSTINO V. State,
310 So.2d 12; 1975 Fla. LEXIS 3427.

CONCLUSION

WHEREFORE, Based upon the foregoing, the Petitioner respectfully petitions this Honorable Court to issue the requested writ for the desired relief.

Respectfully Submitted,

/s/ _____

Petitioner, Pro Se

OATH

UNDER PENALTY OF PERJURY, I declare that I have read the foregoing document and swear that all facts stated in it are true and correct in accordance with § 92.525(2) Fla. Stat.

Executed this 30TH day of December, 2020,

/s/ _____

Petitioner, Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of this foregoing has been placed in the hands of Prison officials at HARDEE correctional Institution for purposes of mailing By u.s. Mail to the following:

Third District court of Appeal; 2001 S.W. 117 Avenue, Miami,
FL 33175 and the Florida office of the Attorney General;
The capitol PI-01, Tallahassee, FL 32399-~~1000~~ 2500 via
U.S. Mail on this 30TH day of December, 2020.

/s/ _____

Petitioner, pro se

DC # _____

HARDEE correctional INS

6901 State Road 62

Bowling Green, FL 33834

APPENDIX E

Third District Court of Appeal

State of Florida

Opinion filed February 3, 2021.

Not final until disposition of timely filed motion for rehearing.

No. 3D21-56
Lower Tribunal No. 14-700

**Edward R. Brown,
Appellant,**

vs.

**The State of Florida,
Appellee.**

An appeal from the Circuit Court for Miami-Dade County, Gina Beovides, Judge.

Edward R. Brown, in proper person.

Ashley Moody, Attorney General, for appellee.

Before FERNANDEZ, SCALES and HENDON, JJ.

HENDON, J.

Edward R. Brown filed a petition for certiorari seeking review of the trial court's order denying post-conviction relief. We treat the petition for certiorari as an appeal from the denial of a motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850(m) and affirm.

In December 2016, Edward R. Brown was convicted after jury trial (lower tribunal no. F14-700) of the following: Count 1, robbery with a firearm (carrying, actual possession, discharge); Count 2, attempted second degree murder, with a firearm (actual possession and discharge causing great bodily harm); Count 3, attempted second degree murder with a firearm (actual possession, threat). He went to trial and was convicted as charged. Brown qualified at sentencing as a prison releasee reoffender and as a violent career criminal, and was sentenced to mandatory life on all counts, to run concurrently, with a ten-year mandatory minimum sentence on all charges for firearm possession and discharge, also to run concurrently.

Brown's convictions and sentences were affirmed on direct appeal. Brown v. State, 263 So. 3d 1121 (Fla. 3d DCA 2019). Brown subsequently filed a 3.850(m) motion in which he claimed that the arrest warrant¹ was

¹ Three arrest warrants appear in the record. One is a nearly illegible copy of an unsigned, unfiled warrant. The two valid warrants in the record include a signed and certified copy filed in Miami-Dade County in 2014, and

defective because it was not stamped with a court seal for certification, and argued that as a result it was a void and invalid arrest warrant. He sought an evidentiary hearing or immediate release. In August 2020, the trial court denied the motion for failure to state a claim on which relief could be granted. What Brown files in this Court as a petition for certiorari is an appeal from the denial of 3.850(m) relief. We find that the record conclusively refutes the claim.

The valid arrest warrants in the record are signed by a judge, dated, and stamped with the court seal or certified for service. Further, Florida courts have consistently applied the good faith exception when the warrant is "regular on its face and the affidavit upon which it was based was not so lacking in indicia of probable cause that the officer executing the warrant could not with reasonable objectivity rely in good faith on the magistrate's probable cause determination and on the technical sufficiency of the warrant." Crain v. State, 914 So. 2d 1015, 1024 (Fla. 5th DCA 2005) (citing State v. Harris, 629 So. 2d 983, 984 (Fla. 5th DCA 1993)); State v. Emanuel, 153 So. 2d 839 (Fla. 2d DCA 1963) (holding an arrest warrant is

one sent to Lee County, South Carolina, to extradite Brown to Florida for the pending charges. We find Brown's argument, if directed to the one unsigned and unfiled warrant in the record, is without merit.

legally insufficient only when it wholly fails to charge an offense as defined by law).

Finally, we emphasize that the law is clear that even if Brown's arrest was illegal, this does not void his convictions or sentence. See, e.g., State v. Perkins, 760 So. 2d 85, 87 (Fla. 2000) ("Nor do we retreat from the established rule that illegal arrest or detention does not void a subsequent conviction ") (quoting Gerstein v. Pugh, 420 U.S. 103, 119 (1975)). See also Frisbie v. Collins, 342 519, 522 (1952) ("This Court has never departed from the rule . . . that the power of a court to try a person for crime is not impaired by the fact that he had been brought within the court's jurisdiction by reason of a 'forcible abduction.'"). See also State v. Tillman, 402 So. 2d 19 (Fla. 3d DCA 1981) ("An illegal arrest, without more, has never been viewed as a bar to subsequent prosecution nor as a defense to a valid charge"); Thomas v. State, 494 So. 2d 240 (Fla. 4th DCA 1986).

Affirmed.

M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA THIRD DISTRICT

This cause having been brought to the Court by appeal, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause as may be in accordance with the opinion of this Court, and with the rules of procedure and laws of the State of Florida.

WITNESS the Honorable Kevin Emas, Chief Judge of the District Court of Appeal of the State of Florida, Third District, and seal of the said Court at Miami, Florida on this day.

DATE: March 12, 2021

CASE NO.: 21-0056

COUNTY OF ORIGIN: Dade

T.C. CASE NO.: 14-700

STYLE: EDWARD BROWN, v. THE STATE OF FLORIDA,

A True Copy

ATTEST



CLERK

DISTRICT COURT OF APPEAL
THIRD DISTRICT

ORIGINAL TO: Miami-Dade Clerk

cc: Office of Attorney General Edward R. Brown

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APPENDIX

F

Supreme Court of Florida

MONDAY, NOVEMBER 28, 2022

CASE NO.: SC22-753

Lower Tribunal No(s):
3D21-56; 132014CF0007000001XX

EDWARD R. BROWN

vs. STATE OF FLORIDA

Petitioner(s)

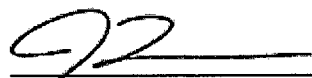
Respondent(s)

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

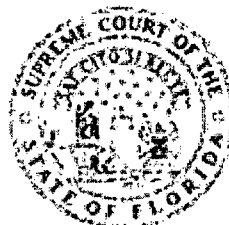
No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, and FRANCIS, JJ., concur.

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Test:



John A. Tomasino
Clerk, Supreme Court



CASE NO.: SC22-753

Page Two

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Served:

CHRISTINA L. DOMINGUEZ

EDWARD R. BROWN

HON. MERCEDES M. PRIETO, CLERK

HON. HARVEY RUVIN, CLERK

HON. GINA BEOVIDES, JUDGE