

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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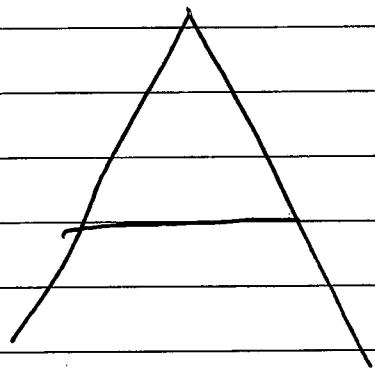
NATHAN ALVARADO – PETITIONER

VS

RICKY D. DIXON, ET. AL – RESPONDENT

APPENDIX

EXHIBIT



# Supreme Court of Florida

THURSDAY, JANUARY 12, 2023

**CASE NO.: SC22-1714**

Lower Tribunal No(s).:  
501992CF013092AXXXMB

NATHAN ALVARADO

vs. RICKY D. DIXON, ETC.

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Petitioner(s)

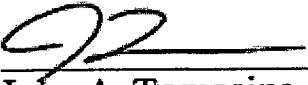
Respondent(s)

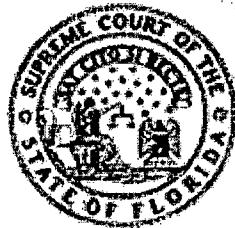
The petition for writ of habeas corpus is hereby dismissed because this Court generally will not consider the repetitive petitions of persons who have abused the judicial processes of the lower courts such that they have been barred from filing certain actions there. *See Pettway v. State*, 776 So. 2d 930, 931 (Fla. 2000). No motion for rehearing or reinstatement will be entertained by this Court.

CANADY, POLSTON, COURIEL, GROSSHANS, and FRANCIS, JJ., concur.

A True Copy

Test:

  
John A. Tomasino  
Clerk, Supreme Court



lc

Served:

LANCE ERIC NEFF  
CELIA TERENZIO

NATHAN ALVARADO  
HON. JOSEPH ABRUZZO, CLERK

EXHIBIT

B

In The Florida Supreme Court

Nathan Alvarado,  
Petitioner,

v.

Case No #

lt. Case No #92-13092 CF10A02

The State of Florida,  
Respondents

Petition for Writ of Habeas Corpus Ad Subjiciendum et Recipiendo  
Comes Now, Nathan Alvarado, in proper person, and hereby moves  
this Honorable Court pursuant to Art. 1§13 Fla. Const; Art. V § 3(b)(9)  
Fla. Const; And Fla. Stat. § 79.01 (2022) to determine the legality of Petitioner's  
detention. As the Sentence imposed by the lower Tribunal Court is illegally  
enhanced from a first degree felony with a Statutory Maximum possible  
penalty of (30) thirty years. To a first degree (Pb) punishable by life  
felony based on Application of Fla. Stat. § 775.087(1) without being  
specifically being charged with the above named Statute Subsection  
(1) Making the present enhancement of the degree of the alleged  
felony for the use of a firearm during the commission of the offense  
of Second degree Murder an illegal Sentence which exceeds the Statutory  
Maximum possible penalty which could be imposed by law (certifiable  
at any time under Fla. R. Crim. P. Rule 3.800(a)) which could not be  
raised before the lower Tribunal Court based on a Spencer bar.  
And this Honorable Court's Jurisdiction is being invoked to correct  
a Manifest Injustice Evident on face of the record which entitles  
Mr. Alvarado to immediate release. In Support of this Writ Petitioner  
avers as follows:

Jurisdiction

This Court is vested with the Original Jurisdiction to issue a Writ  
of Habeas Corpus by the full Court or an Individual Justice of the  
Supreme Court returnable before any Florida Trial, Appellate,  
or the Supreme Court, under Art. V § 3(b)(9) and Fla. R App. P. Rule 9.030(d)(2).

See *Cherry v. Jones*, 208 So.3d 701 (Fla. 2016); *Lambrix v. Dugger*, 529 So.2d 1110 (Fla. 1988); And *Cooper v. Dugger*, 526 So.2d 900 (Fla. 1988). The Manifest Injustice Doctrine is meant to provide a vehicle for correction of an injustice where a procedural bar precludes review. See *Henry v. Santana*, 62 So.3d 1122 (Fla. 2011) (Emphasizing that the Writ of Habeas Corpus is Guided by Correcting a Manifest Injustice as it is the responsibility of the court to brush aside formal technicalities and issue such appropriate orders as will do Justice); *Harvard v. Singletary*, 733 So.2d 1020, 1025 (Fla. 1999). Recognizing that the court will remain vigilant to ensure that a Manifest Injustice does not occur); *Lago v. State*, 975 So.2d 613 (Fla. 3rd DCA 2008); *Johnson v. State*, 990 So.2d 1245 (Fla. 3rd DCA 2008); *Strazzulla v. Hendricks*, 177 So.2d 193 (Fla. 1965); And *Ross v. State*, 901 So.2d 252 (Fla. 4th DCA 2005). Even when the ruling has become the law of the case.

The Fourth District Court of Appeals in *Pompey v. Cochrane*, 685 So.2d 1007 (Fla. 4th DCA 1997) Explained that:

Confinement contrary to principles of due process may be the subject of Habeas Corpus relief. The Writ of Habeas Corpus is revered by all free and liberty loving people and recognized as a fundamental guarantee and protection of their right to liberty.

*Id.* at 685 So.2d 1007, 1010-1011 (Internal Citation omitted).

Further as Stated in *Anglin v. Mayo*, 88 So.2d 918 (Fla. 1956)

[The Writ] is as old as the common law itself and is an integral part of our own democratic process. The procedure for the granting of this particular Writ is not to be circumscribed by hard and fast rules of technicalities which often accompany our consideration of other process. If it appears to a court of competent jurisdiction that a man is being illegally restrained

of his liberty it is the responsibility of the Court to brush aside formal technicalities and issue such appropriate orders as will do justice. In *Habeas Corpus* the Niceties of the proceedings are nowhere near as important as the determination of the ultimate question to be resolved by the Court. As to the legality of the restraints the present Writ follows:

### Statement of Facts and Argument

- On November 14th 1992 Mr. Alvarado was charged by Indictment by a Grand jury in Palm Beach County Florida, with (1) one Count of first degree murder with the use and possession of a firearm in violation of Fla. Stat. § 782.04(1)(a); And Fla. Stat. § 775.087(2) (1992); Count (2) Two Shooting into an occupied vehicle in violation of Fla. Stat. § 790.19 (1992); And Count (3) Three kidnapping in violation of Fla. Stat. § 787.01(1)(a) (1992) for an incident which occurred on or in between October 23rd and 24th 1992. (See Attached Appendix Exhibit A) (Indictment filed Case No #92-13092-CF-10A02) It is noted that Count (3) Three The kidnapping charge was Nolle prossess before Trial.
- Petitioner was convicted of Second degree Murder with a firearm in violation of Florida Statute § 782.04(2); And Shooting into an occupied vehicle in violation of Fla. Stat. § 790.19 - after a trial by Jury on September 13th 1993, And was sentenced to life in prison for Second degree Murder with a (3) Three Year minimum mandatory pursuant to the operation of Fla. Stat. § 775.087(2) On Count one which was the subsection charged in the Indictment for the use of a firearm, and to a period of (30) Thirty Years as a habitual felony offender for Count (2) Two Shooting into an occupied vehicle running concurrent to Count (1) one after a correction of sentence pursuant to *Hale v. State*, 630 So.2d 52 (Fla. 1993) (See Attached Appendix Exhibit B) (Judgment and Sentence Imposed on September 14th 1993)

3. Mr. Alvarado Sentence is illegal and evident on the face of

the record on Count One - As Second degree Murder without any enhancements for the use of a fire arm Only constitutes a First Degree Felony punishable by a Statutory Maximum Possible penalty of (30) Thirty Years pursuant to Fla. Stat § 775.082(3)(b)1. A fire arm is not an Essential Element of Second degree Murder pursuant to Fla. Stat § 782.04(2) without being reclassified pursuant to Fla. Stat § 775.087(1) (1992).

4. In The Present Case Mr. Alvarado's Murder Conviction was not enhanced by Sections 775.087(1) on Count One of the Indictment. (See - Attached Appendix- Exhibit A) As Such Mr. Alvarado Life Sentence imposed on Count One exceeds the Statutory Maximum penalty of (30) Thirty Years for a First Degree Felony without the Fire Arm Enhancement Pursuant to Fla. Stat § 775.087(1). The Indictment only charges Mr. Alvarado with the (3) Three Year Minimum Mandatory Section of Fla. Stat § 775.087(2). As Such Mr. Alvarado is illegally detained and entitled to immediate release from the Custody and Care of the Florida Department of Corrections. See and Compare Knight v. State, 2.53 So.3d 22 (Fla.3rd DCA 2017).

5. Defendant Scored out to a total of 504 points under the (1983) Sentencing Guidelines Category I with a Recommended Range of (life) and a Permitted Range of (27 to life). (See Attached Appendix Exhibit-C) (Sentencing Guidelines Score Sheet filed on 9-14-93) However, under the law which was in effect at the time Mr. Alvarado committed the alleged offense if the guideline sentence exceeds the Maximum Sentence provided by the Statute for that offense, the Statutory Maximum Sentence should be imposed. See Fla.R.Crim.P. Rule 3.701(d)(10)

6. Mr. Alvarado States that he has no other remedy available under State law in which to raise the present claim which entitles him to immediate release as his sentence should be legally

expired if corrected by the court. However, Mr. Alvarado is "spencer barred" by the lower Tribunal Court and cannot afford to hire an Attorney in Good Standing with the Florida Bar to represent him. And unless this Court issues the present Writ to correct a Manifest Injustice - which is evident on the face of the record - Claimant will not be able to obtain relief in the present case. (See Attached Appendix-Exhibits) Also See and Compare with - Adams v. State, 957 So.2d 1183, 1186-1187 (Fla.3rd DCA 2006) In Adams case, the State Cavalierly Claimed that he had no recourse for his lot because the Court did not have jurisdiction to entertain his claims and he was time barred. The Court held that - "Although the State was technically correct, where the Court finds that a Manifest Injustice has occurred, it is the responsibility of that Court to correct the Injustice if it can" Citing Baker v. State, 878 So.2d 1236, 1246 (Fla 2004) Where Justice Anstead, C.J., held in a Concurring opinion that -- "the Writ of Habeas Corpus" is enshrined in our Constitution to be used as a means to correct Manifest Injustices and its availability for use when all other remedies have been exhausted has served our Society well over Many centuries this Court will, of course, remain alert to claims of Manifest Injustices as will all Florida Courts." ) Id. Adams, Supra.

In Mr. Alvarado's Case he has served a period of (31) Thirty-one years on a case which as Charged without the Firearm Enhancement only carries a Statutory Maximum of (30) thirty Years. Like Adams, Mr. Alvarado has no other recourse available to correct the Injustice - As he cannot afford to hire an Attorney to represent his claim to correct an illegal sentence which could be raised at any time under Florida law - Based on a "Spencerbar" And must remain imprisoned based on his poverty.

In Jamerson v. State, 447 So.2d 892, 895 (Fla. 4th DCA 1983) citing Anglin v. Mayo, 88 So.2d 918, 919-20 (Fla. 1956) which were both Quoted by Adams, Supra, the 4th District Court of Appeals held that --- ("if it appears to a Court of Competent jurisdiction that a man is being illegally restrained of his liberty it is the responsibility of the Court to brush aside formal technicalities and issue such appropriate orders as will do 'just justice'") (c.d. at Adams, Supra).

As such, this Court Should Correct the present injustice and order his immediate release from Corrections.

#### Relief Sought

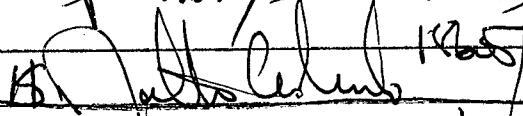
1. For the Court to return the Writ before the lower Tribunal Court with Directions to Appoint Counsel to represent Mr. Alvarado on the above named Claim which entitles him to immediate discharge from Custody.
2. For this Honorable Court to Grant the present Writ forthwith immediately discharging Mr. Alvarado from Custody as his Sentence is legally expired for a first degree felony punishable by a Period of (30) Thirty Years. Thereby the life Sentence imposed is illegal and Adverse to Mr. Alvarado.
3. Any other remedy or relief deemed just pursuant to Article V §(2)(a) Fla Constitution.

Oath  
State of Florida

County of Walton

I declare under penalty of perjury everything stated in the present writ is true and correct based on my own personal knowledge.

Respectfully Submitted,

 18607

Nathan Alvarado Dett

Walton Correctional Institution

691 Institution Road

Defuniak Springs, Fl. 32433

### Certificate of Service

Undersigned certifies that a true and correct copy of the foregoing writ was sent on this 12 day of Nov 2022. By means of U.S. Mail to the following parties:

1. Ashley Moody, Attorney General's Office at:  
The Capitol P.O. Tallahassee, Fl. 32399-1050

2. Eric Neff Lance General Counsel F.D.O.C. at:  
501 South Calhoun Street Tallahassee, Fl. 32399-2500

Respectfully Submitted,

 18607

Nathan Alvarado Dett

Petitioner In Proper Person

In the Florida Supreme Court

Nathan Alvarado,  
Petitioner,

v.

The State of Florida,  
Respondent

Case No. #  
Lc. Case No. 92-13092CF10A02

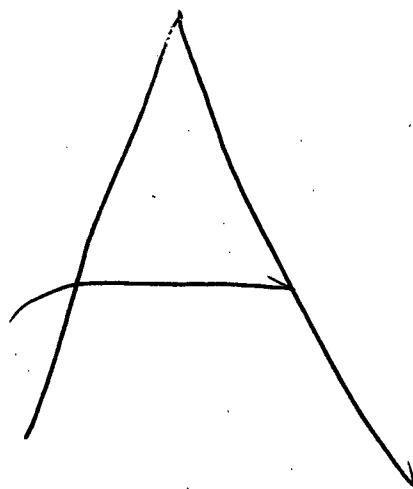
APPENDIX  
IN SUPPORT OF  
WRIT OF  
HABEAS CORPUS

## APPENDIX TABLE

Exhibit(s)

1. Indictment filed 11-16-92. ----- A
2. Sentencing Papers filed 09-14-1993. ----- B
3. Guideline Score Sheet Dated 09-14-1993. .... C
4. Order Prohibiting Prose filing ..... D

EXHIBIT



NOV 19 1992

## INDICTMENT

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT OF THE STATE OF FLORIDA

For Palm Beach County, at the FALL Term thereof, in the year of  
our Lord One Thousand Nine Hundred and Ninety Two, to-wit: The  
Grand Jurors of the State of Florida, inquiring in and for the  
body of said County of Palm Beach, upon their oaths do present  
that NATHAN ALVARADO also known as ~~████████~~ <sup>FLACO</sup> in the County of Palm  
Beach aforesaid, in the Circuit and State aforesaid,

COUNT ONE  
FIRST DEGREE MURDER WITH A FIREARM

between the 23rd day of OCTOBER and the 24th day of OCTOBER in  
the year of our Lord One Thousand Nine Hundred and Ninety Two,  
did unlawfully from a premeditated design to effect the death of  
a human being, kill and murder RONALD ANDERSON, a human being, by  
shooting him with a firearm, and in the commission of said  
offense did use and have in his possession a deadly weapon, to-  
wit: a firearm, said firearm being a firearm as defined in  
Florida Statute 790.001(6), contrary to Florida Statute

782.04(1)(a) and 775.087(2), ← Not A Life Enhancement. Plus I  
was found guilty of 2nd Not 1st.

COUNT TWO  
SHOOTING INTO AN OCCUPIED VEHICLE

The Grand Jurors of the State of Florida, inquiring in and for  
the body of said County of Palm Beach, upon their oaths do  
present that NATHAN ALVARADO also known as "FLACO" between the  
23rd day of OCTOBER and the 24th day of OCTOBER, 1992, in Palm  
Beach County, Florida, did wantonly or maliciously shoot at,  
within, or into a vehicle which was being used or occupied by  
RONALD ANDERSON, contrary to Florida Statute 790.19,

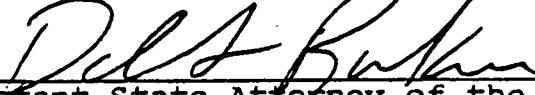
COUNT THREE  
KIDNAPPING

NP

The Grand Jurors of the State of Florida, inquiring in and for the body of said County of Palm Beach, upon their oaths do present that NATHAN ALVARADO also known as "████████" between the 23rd day of OCTOBER and the 24th day of OCTOBER, 1992, in Palm Beach County, Florida, without lawful authority did forcibly, secretly or by threat, confine, abduct or imprison JOHN LONNBORG, against that person's will, with the intent to commit or facilitate to the commission of murder, a felony, contrary to Florida Statute 787.01(1)(a),

against the form of the statute, to the evil example of all others, and against the peace and dignity of the State of Florida.

I hereby certify that I have advised the Grand Jury returning this indictment as authorized and required by law.



Assistant State Attorney of the Fifteenth  
Judicial Circuit of the State of Florida,  
prosecuting for said State

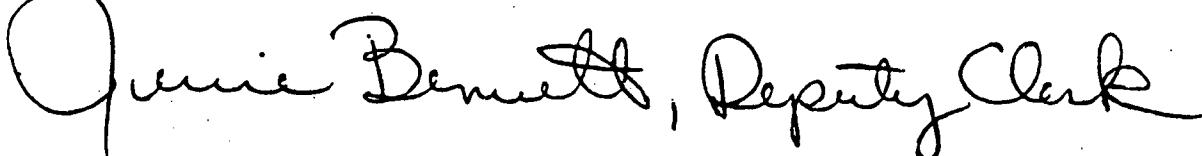


GRAND JURY FOREPERSON

11-16-92

DATE

\*Defendant: NATHAN ALVARADO also known as "FLACO"; Race: WHITE;  
Sex: MALE; Date of Birth: JUNE 19, 1969; Social Security: 261-  
91-7093



~~EXHIBIT~~

B

**SENTENCE****FILED**

Defendant

NATHAN ALI DO

Case Number

92-13092CFA02

CBTS Number

(As to Count(s) ONE)

SEP 14 1993

DOROTHY H. WILKEN  
CIRCUIT & COUNTY COURTS  
CLERK'S OFFICE

The Defendant, being personally before this Court, ~~admitting his attorney~~, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer mitigation of sentence, and to show cause why defendant should not be sentenced as provided by law, and no cause being shown,

and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date.  
 (Date)

and the Court having previously entered a judgment in this case on the defendant now resentence the defendant.

and the Court having placed the Defendant on probation and/or community control and having subsequently revoked the Defendant's probation and/or community control by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$ \_\_\_\_\_ pursuant to F.S. 775.083, plus \$ \_\_\_\_\_ as the 5% surcharge required by F.S. 960.25.

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 Palm Beach County, Florida.

The Defendant is sentenced as a youthful offender in accordance with F.S. 958.04.

To be imprisoned:  For a term of Natural Life  For a term of \_\_\_\_\_

If "split" sentence,  
complete either of  
these two paragraphs.

Followed by a period of \_\_\_\_\_ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in 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.

**SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed:

**MANDATORY/MINIMUM PROVISIONS:****FIREARM**

It is further ordered that the 3 year minimum provisions of Florida Statute 775.087(2) are hereby imposed for the sentence specified in this count.

**DRUG  
TRAFFICKING**

It is further ordered that the \_\_\_\_\_ year mandatory minimum provisions of Florida Statute 893.135(1) are hereby imposed for the sentence specified in this count.

**CONTROLLED  
SUBSTANCE  
WITHIN 1000  
FEET OF SCHOOL**

It is further ordered that the 3 year minimum provisions of Florida Statute 893.13(1)(e)1, are hereby imposed for the sentence specified in this count.

**HABITUAL  
FELONY  
OFFENDER**

The Defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in this sentence in accordance with the provisions of Florida Statute 775.084(4). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

**HABITUAL  
VIOLENT  
FELONY  
OFFENDER**

The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of Florida Statute 775.084(4). A minimum term of \_\_\_\_\_ years must be served prior to release. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

**LAW ENFORCEMENT PROTECTION ACT**

It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with Florida Statute 775.0823.

It is further ordered that the Defendant shall serve no less than 25 years in accordance with the provisions of Florida Statute 775.082(1).

It is further ordered that the 25 year mandatory minimum sentence provisions of Florida Statute 893, are hereby imposed for the sentence specified in this count.

It is further ordered that the defendant shall not be released prior to serving a mandatory minimum period of three years in accordance with Florida Statute 775.0875.

**TAKING OFFICER'S FIREARM**

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**OTHER PROVISIONS**

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**RETENTION OF JURISDICTION**

The Court retains jurisdiction over the defendant pursuant to Florida Statute 947.16(3).

**JAIL CREDIT**

It is further ordered that the Defendant shall be allowed a total of \_\_\_\_\_ days as credit for time incarcerated prior to imposition of this sentence.

11/3/92 to 9/14/93

**SPLIT SENTENCE VIOLATOR RESENTENCING**

Defendant is allowed credit for \_\_\_\_\_ days county jail time served between date of arrest as a violator and date of resentencing. The Department of Corrections shall apply original jail time credit awarded on this count and shall compute and apply credit for time served and unforfeited gauntlet awarded during prior service of the incarceration portion of the split sentence.

**PRISON CREDIT**

It is further ordered that the Defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

It is further ordered that the sentence imposed for this count shall run

consecutive to  concurrent with (check one) the sentence set forth in count 2

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run

consecutive to  concurrent with (check one) the following:

Any active sentence being served.

Specific sentences: \_\_\_\_\_

---

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends \_\_\_\_\_

---

**DONE AND ORDERED** in Open Court at Palm Beach County, Florida

this \_\_\_\_\_ day of SEP 14, 1993 A.D., 19 \_\_\_\_\_

  
JUDGE

**SENTENCE**

(As to Count(s))

TWO

**FILED**

Defendant.

NATHAN ALV DO

Case Number 92-13092CFA02

CBTS Number

SEP 14 1993

The Defendant, being personally before this Court, accompanied by attorney, 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 defendant should not be sentenced as provided by law, and no cause being shown.

and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date.  
 (Date)

and the Court having previously entered a judgment in this case on the defendant now resentsences the defendant.

and the Court having placed the Defendant on probation and/or community control and having subsequently revoked the Defendant's probation and/or community control by separate order entered herein.

IT IS THE SENTENCE OF THE COURT that:

The Defendant pay a fine of \$ \_\_\_\_\_ pursuant to F.S. 775.083, plus \$ \_\_\_\_\_ as the 5% surcharge required by F.S. 960.25.

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 Palm Beach County, Florida.

The Defendant is sentenced as a youthful offender in accordance with F.S. 958.04.

To be imprisoned:  For a term of Natural Life  For a term of 30 years

If "split" sentence,  
complete either of  
these two paragraphs.

Followed by a period of \_\_\_\_\_ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in 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.

---

**SPECIAL PROVISIONS**


---

By appropriate notation, the following provisions apply to the sentence imposed:

**MANDATORY/MINIMUM PROVISIONS:**
**FIREARM**

It is further ordered that the 3 year minimum provisions of Florida Statute 775.087(2) are hereby imposed for the sentence specified in this count.

**DRUG  
TRAFFICKING**

It is further ordered that the \_\_\_\_\_ year mandatory minimum provisions of Florida Statute 893.135(1) are hereby imposed for the sentence specified in this count.

**CONTROLLED  
SUBSTANCE  
WITHIN 1000  
FEET OF SCHOOL**

It is further ordered that the 3 year minimum provisions of Florida Statute 893.13(1)(e)1, are hereby imposed for the sentence specified in this count.

**HABITUAL  
FELONY  
OFFENDER**

The Defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in this sentence in accordance with the provisions of Florida Statute 775.084(4). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

**HABITUAL  
VIOLENT  
FELONY  
OFFENDER**

The Defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of Florida Statute 775.084(4). A minimum term of \_\_\_\_\_ years must be served prior to release. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

## (Special Provisions Continued)

**LAW ENFORCEMENT PROTECTION ACT**  It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with Florida Statute 775.0823.

**CAPITAL OFFENSE**  It is further ordered that the Defendant shall serve no less than 25 years in accordance with the provisions of Florida Statute 775.082(1).

**CONTINUING CRIMINAL ENTERPRISE**  It is further ordered that the 25 year mandatory minimum sentence provisions of Florida Statute 893.2 are hereby imposed for the sentence specified in this count.

**TAKING OFFICER'S FIREARM**  It is further ordered that the defendant shall not be released prior to serving a mandatory minimum period of three years in accordance with Florida Statute 775.0875.

**OTHER PROVISIONS**

**RETENTION OF JURISDICTION**  The Court retains jurisdiction over the defendant pursuant to Florida Statute 947.16(3).

**JAIL CREDIT**  It is further ordered that the Defendant shall be allowed a total of \_\_\_\_\_ days as credit for time incarcerated prior to imposition of this sentence.

11/3/92 to 9/14/93

**SPLIT SENTENCE VIOLATOR RESENTENCING**  Defendant is allowed credit for \_\_\_\_\_ days county jail time served between date of arrest as a violator and date of resentencing. The Department of Corrections shall apply original jail time credit awarded on this count and shall compute and apply credit for time served and unforfeited gaintime awarded during prior service of the incarceration portion of the split sentence.

**PRISON CREDIT**  It is further ordered that the Defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

It is further ordered that the sentence imposed for this count shall run

consecutive to  concurrent with (check one) the sentence set forth in count \_\_\_\_\_

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run

consecutive to  concurrent with (check one) the following:

Any active sentence being served.

Specific sentences: \_\_\_\_\_

In the event the above sentence is to the Department of Corrections, the Sheriff of Palm Beach County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends \_\_\_\_\_

DONE AND ORDERED in Open Court at Palm Beach County, Florida

this \_\_\_\_\_ day of **SEP 14 1993** A.D., 19 \_\_\_\_\_

  
JUDGE

EXHIBIT

C

Primary Defendant  
Secondary Defendant  
3. Name (Last Name First)

ALVARADO, JATHAN

11. Judge at Sentencing

BROOME

14. Trial Date

15. Date of Offense

16. Date of Conviction

17. Date of Sentence

18. Date of Judgment

19. Date of Probation

20. Date of Parole

21. Date of Release

22. Date of Sentence

23. Date of Judgment

24. Date of Probation

25. Date of Parole

26. Date of Release

27. Date of Sentence

28. Date of Judgment

29. Date of Probation

30. Date of Parole

31. Date of Release

32. Date of Sentence

33. Date of Judgment

34. Date of Probation

35. Date of Parole

36. Date of Release

37. Date of Sentence

38. Date of Judgment

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40. Date of Parole

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42. Date of Sentence

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250. Date of Parole

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263. Date of Judgment

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266. Date of Release

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274. Date of Probation

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277. Date of Sentence

278. Date of Judgment

279. Date of Probation

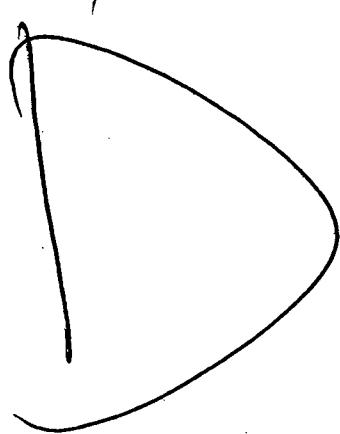
280. Date of Parole

281. Date of Release

282. Date of Sentence

283. Date of Judgment

EXHIBIT



IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT IN  
AND FOR PALM BEACH  
COUNTY, FLORIDA  
CRIMINAL DIVISION "V"

CASE NO. 1992CF013092AXX

STATE OF FLORIDA  
Plaintiff,

vs.

NATHAN ALVARADO,  
Defendant.

---

**ORDER DENYING DEFENDANT ALVARADO'S PRO SE MOTION  
TO VACATE, SET ASIDE, OR CORRECT JUDGMENT AND SENTENCE**

THIS CAUSE came before the Court on Defendant Nathan Alvarado's ("defendant") *Pro Se Motion to Vacate, Set Aside, or Correct Judgment and Sentence*, filed on August 4, 2010 pursuant to Fla. R. Crim. P. 3.850(d), and the Court having reviewed the Defendant's *Pro Se Motion*, and having reviewed the court file and record, and being otherwise fully advised in the premises, the Court finds as follows:

This motion is the defendant's third post conviction motion, and second motion alleging ineffectiveness of counsel. Further, the defendant raised previously, in a motion to correct illegal sentence pursuant to Rule 3.800(a) the same alleged illegal sentencing guideline calculations that the defendant is raising in this successive motion for post conviction relief.

This Court's previous Order denying the defendant's motion to correct illegal sentence was just affirmed by the Fourth District Court of Appeal. Because this motion is a successive motion pursuant to Rule 3.850 without any basis or argument as to why it could

not have been raised in 1995 with his original Rule 3.850 motion, and also because the ground raised herein was just raised by the defendant in a motion to correct illegal sentence, the Court finds this *pro se* motion to be brought without any factual or legal basis and the Court further finds this *pro se* motion to vacate, set aside, or correct judgment and sentence constitutes an abuse of the process. **WHEREFORE**, it is hereby

**ORDERED and ADJUDGED** that Defendant Nathan Alvarado's *Pro Se* Motion For Post Conviction Relief is **DENIED** on its merits without further hearing. It is further

**ORDERED and ADJUDGED** the Defendant Alvarado's *Pro Se* Motion For Post Conviction Relief is successive because the defendant has failed to allege new or different grounds that were unable to be brought to the Court's attention in prior motions for post conviction relief, and, therefore, the instant motion is filed without any factual or legal basis and thus constitutes an abuse of procedure. See Fla. R. Crim. P. 3.850(f). It is further

**ORDERED and ADJUDGED** that the defendant shall show cause within thirty (30) days as to why any further motions filed by the defendant *pro se* shall not be received and docketed by the Clerk of Court. It is further

**ORDERED and ADJUDGED** that the Defendant has thirty (30) days in which to appeal this Order.

**DONE and ORDERED** in Chambers, at West Palm Beach, Palm Beach County, Florida, this 16 day of August, 2010.

  
JOHN S. KASTRENAKES  
Circuit Judge

EXHIBIT

C

*EX-1*

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT IN  
AND FOR PALM BEACH  
COUNTY, FLORIDA  
CRIMINAL DIVISION "V"

CASE NO. 1992CF013092AXX

STATE OF FLORIDA  
Plaintiff,

vs.

NATHAN ALVARADO,  
Defendant.

---

**ORDER FINDING NO GOOD CAUSE SHOWN AND PROHIBITING  
DEFENDANT ALVARADO FROM FILING ANY FUTURE PLEADINGS  
IN THIS CASE, UNLESS SUCH PLEADINGS ARE SIGNED BY  
A MEMBER IN GOOD STANDING OF THE FLORIDA BAR ASSOCIATION**

**THIS MATTER** came before the Court on this Court's August 16, 2010 Show Cause Order in its denial of Defendant Nathan Alvarado's ("defendant") Multi-Successive *Pro Se* Motion to Vacate, Set Aside, or Correct Judgment and Sentence, filed on August 4, 2010 pursuant to Fla. R. Crim. P. 3.850(d), and the Court having reviewed the Defendant's *Pro Se* Response to the Show Cause Order filed August 27, 2010, and having reviewed the court file and record, and being otherwise fully advised in the premises, the Court finds as follows:

1. This Court attaches and incorporates its prior Order issued August 16, 2010, which contains findings and required the Defendant to show cause in writing why this Court should not prohibit Defendant from filing any future pleadings in this matter, unless such pleadings are signed by a member in good standing with the Florida Bar Association.

2. The Court finds the Defendant's *pro se* "Motion To Disqualify Judge and Response To Order To Show Cause," a twenty two (22) page document, including attachments, demonstrates no good cause to avoid the Court's prohibition against further *pro se* pleadings.<sup>1</sup>

3. Further *pro se* filings could result in this Court's recommendation to the Department of Corrections for a forfeiture of gain time in the event of any future filings. See *State v. Spencer*, 751 So.2d 47 (Fla. 1999); *Hall v. State*, 752 So. 2d 575 (Fla. 2000).

Accordingly, it is hereby

**ORDERED and ADJUDGED** as follows:

1. The Defendant's is strictly prohibited from filing future pleadings in this matter, unless such pleadings are signed by a member in good standing with the Florida Bar Association. The Defendant is on notice that any further pleadings not signed by a member in good standing with the Florida Bar Association may result in sanctions imposed by the Department of Corrections.

2. The Clerk of Court for the Fifteenth Judicial Circuit shall not accept any future pleadings in this matter that are not signed by a member in good standing with the Florida Bar Association.

3. The Clerk of Circuit Court for the Fifteenth Judicial Circuit is ordered to forward a certified copy of this Order to the Department of Corrections, Everglades Correctional Institution.

4. Defendant has thirty (30) days in which to appeal this Order.

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1 The Court has denied defendant Alvarado's *Pro Se* Motion To Disqualify Trial Judge by separate Order.

EXHIBIT

D

*Ex-1*

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2011*

**NATHAN ALVARADO,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D10-4282

[October 26, 2011]

PER CURIAM.

*Affirmed.*

POLEN, DAMOORGIAN and CONNER, JJ., concur.

\* \* \*

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; John Kastrenakes, Judge; L.T. Case No. 1992CF013092AXX.

Nathan Alvarado, Miami, pro se.

No appearance required for appellee.

***Not final until disposition of timely filed motion for rehearing.***

2-20