

Supreme Court of Florida

TUESDAY, MAY 16, 2023

Jesus C. More,
Petitioner(s)
v.
State of Florida,
Respondent(s)

SC2023-0681
Lower Tribunal No(s).:
2D22-2853
292002CF014739000AHC

This case is hereby dismissed. This Court's jurisdiction to issue extraordinary writs may not be used to seek review of an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Foley v. State*, 969 So. 2d 283 (Fla. 2007); *Persaud v. State*, 838 So. 2d 529 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Grate v. State*, 750 So. 2d 625 (Fla. 1999).

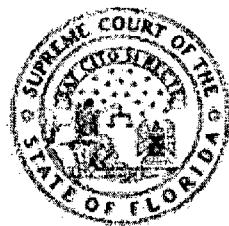
No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

Test:

SC2023-0681 5/16/2023

John A. Tomasino
Clerk, Supreme Court
SC2023-0681 5/16/2023



D

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

JESUS CAPELLAN MORE,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

No. 2D22-2853

March 22, 2023

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Hillsborough County; Michelle Sisco, Judge.

PER CURIAM.

Affirmed.

CASANUEVA, VILLANTI, and ROTHSTEIN-YOUAKIM, JJ., Concur.

Opinion subject to revision prior to official publication.

A

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA
Criminal Justice and Trial Division

STATE OF FLORIDA

CASE NO.: 02-CF-014739

v.

JESUS CAPELLAN MORE,
Defendant

DIVISION: A/J

CLERK OF CIRCUIT COURT
22 JUL 7 AM9:52

ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS RELIEF

THIS MATTER is before the Court on Defendant's "petition for writ of habeas corpus relief" filed on June 21, 2022, pursuant to Florida Rule of Criminal Procedure 3.850. After reviewing Defendant's petition, the court file, and the record, the Court finds as follows:

In case 02-CF-014739, on September 17, 2003, Defendant pleaded guilty pursuant to a plea agreement to murder in the first degree (count one) (*See* plea form, attached). The Court sentenced him to life in prison without parole on count one. (*See* judgment and sentence, attached). Defendant did not appeal the judgment or sentence.

In his petition, Defendant requests that the Court allow him to file a belated rule 3.850 motion in this case. He alleges that he was never given a competency hearing as required under Rule 3.212(b), and therefore, he is entitled to file a belated rule 3.850 motion due to the Court's fundamental procedural defect that voided its jurisdiction to adjudicate him.

After reviewing the petition, the court file, and the record, the Court finds that Defendant is not entitled to the requested relief. The Court further finds that Defendant's claim that the Court failed to conduct a competency hearing should have been raised, if at all, on direct appeal of the judgment and sentence. *See* Fla. R. Crim. P. 3.850(c) (2022) ("This rule does not authorize relief based on grounds that could have or should have been raised at trial and, if

properly preserved, on direct appeal of the judgment and sentence.”). As such, no relief is warranted.

It is therefore ORDERED AND ADJUDGED that Defendant’s “petition for writ of habeas corpus relief” is hereby DENIED.

Defendant has thirty (30) days from the date of this Final Order within which to appeal. However, a timely-filed motion for rehearing shall toll the finality of this Order.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this 6 day of

July, 2022.

Michelle Sisco

MICHELLE SISCO, Circuit Judge

Attachments:

plea form
judgment and sentence
petition for writ of habeas corpus relief

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Order has been furnished to Jesus Capellan More (DC# 167496) South Bay Correctional Facility, 600 U.S. Highway 27, South, South Bay, Florida 33493-2233, by regular U.S. Mail; and to Assistant State Attorney for Division J, 419 Pierce Street, Tampa, Florida 33602, by inter-office mail, on this 7 day of July, 2022.



L. McDaniel
DEPUTY CLERK