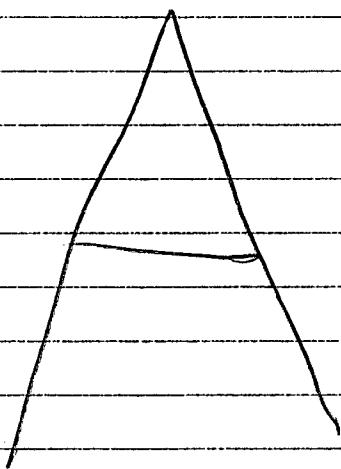


APPENDIX X



Supreme Court of Florida

THURSDAY, MAY 11, 2023

Luis Guridi,
Petitioner(s)
v.
Ricky D. Dixon, etc.,
Respondent(s)

SC2023-0327
Lower Tribunal No(s).:
3D77-475;
1975-CF-20920;
131975CF0082640001XX

The petition for writ of habeas corpus is hereby denied because petitioner raises the same issue as in *Guridi v. Inch*, No. SC21-414, 2021 WL 1345700 (Fla. Apr. 23, 2021), in which the petition was denied. *Cf. Topps v. State*, 865 So. 2d 1253 (Fla. 2004). No motion for rehearing will be entertained.

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

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Test:

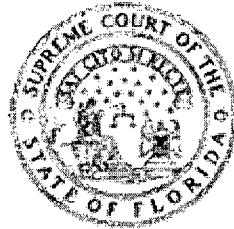
SC2023-0327 5/11/2023

John A. Tomasino
Clerk, Supreme Court
SC2023-0327 5/11/2023

LC

Served:

Luis Guridi
Hon. Luis Gonzalo Montaldo
Lance Eric Neff
Richard L. Polin
Hon. Mercedes M. Prieto



364 So. 2d 872; 1978 Fla. App. LEXIS 17084

LEXSEE 364 SO. 2D 872

Luis GURIDI, Appellant, v. The STATE of Florida, Appellee.

No. 77-475.

District Court of Appeal of Florida, Third District.

364 So. 2d 872; 1978 Fla. App. LEXIS 17084

Dec 5, 1978.

COUNSEL: [*1]

Bennett H. Brummer, Public Defender, Warren S. Schwartz, Asst. Public Defender, and Andrew Rosen, Legal Intern, for appellant.

Robert L. Shevin, Atty. Gen., and Paul Mendelson, Asst. Atty. Gen., for appellee.

OPINION:

PER CURIAM.

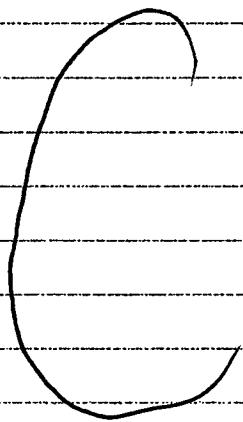
The defendant was convicted of second degree murder, a felony in the first degree. This conviction is affirmed. Nevertheless, the defendant was sentenced to

life imprisonment under Section 775.082(1), *Florida Statutes* (1975); the penalty for a capital felony which mandates a twenty-five year minimum sentence. The defendant should have been sentenced under Section 775.082(b), *Florida Statutes* (1975), which contains the proper sentences for felonies in the first degree. The sentence, here, was improper and contrary to the law. This court directs the trial court to correct the defendant's sentence in accordance with Sections 775.082(3)(b) and 782.04(2), *Florida Statutes* (1975), which will effectively delete the twenty-five year mandatory minimum sentence.

Affirmed.

E:2

APPENDIX



STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS
GLADES CORRECTIONAL INSTITUTION

CLASSIFICATION / RECORDS

MEMO TO: #052115 Guridi, Luis DORM B3219U

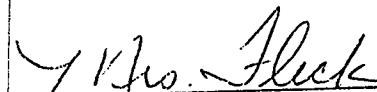
FROM: Mrs. P. Fleck

DATE: 10/17/02

SUBJECT: COURT ORDER CHANGE

Upon receipt of your inmate request dated 9/23/02 with the attached copies of the Third District Court of Appeal's response, I forwarded the response to our Central Office for review and advisement. I have received correspondence from them, Central Office, concerning the court order change dated 1/15/79. The data base has been updated with the offense statute of 775.082 (3)(B) for case #75-8264, nunc pro tunc 2/19/76. A copy of the order is being forwarded for inclusion in your file.

Hope this will resolve any questions concerning your record being updated with the correct information.



Correctional Sentence Specialist

Cc: file

05215

BENCH DOCKET
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR DADE COUNTY.

STATE OF FLORIDA

VS

LUIS FURIDI also known as LUIS GURIDI GONZALEZ
CHARGE, SECOND DEGREE MURDER Case No. 75-8264

What have you to say why sentence should not now be imposed upon you?
Saying nothing that could influence the Court in its decision.

CORRECTED
SENTENCE

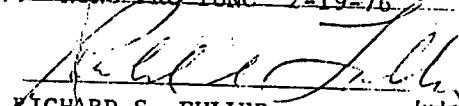
IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that you

LUIS GURIDI also known as LUIS GURIDI GONZALEZ
be imprisoned by confinement in the STATE PENITENTIARY FOR
THE REMAINDER OF YOUR NATURAL LIFE, as authorized by Section 775.082 (3)(b)
of the Florida Statutes.

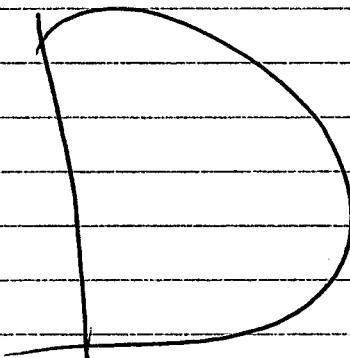
IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that you be given
credit for time served in the Dade County Jail prior to sentencing,
to-wit: One Hundred Ninety (190) days.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that costs in
this cause shall be taxed in accordance with the law.

DONE AND ORDERED in open Court at Miami, Dade County, Florida, this 15TH
day of JANUARY A. D. 1979 NUNC PRO TUNC 2-19-76


RICHARD S. MILLER

APPENDIX



Supreme Court of Florida

MONDAY, APRIL 12, 2021

CASE NO.: SC21-364

Lower Tribunal No(s).:

131975CF0082640001XX

LUIS GURIDI

vs. MARK S. INCH, ETC.

Petitioner(s)

Respondent(s)

The petition for writ of habeas corpus is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues that were or could have been raised on direct appeal or in prior postconviction proceedings. *See Denson v. State*, 775 So. 2d 288, 290 (Fla. 2000); *Breedlove v. Singletary*, 595 So. 2d 8, 10 (Fla. 1992). No motion for rehearing or reconsideration will be entertained.

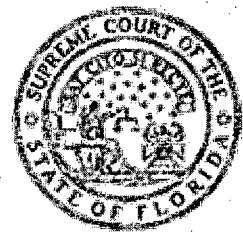
POLSTON, LABARGA, LAWSON, MUÑIZ, and COURIEL, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



db

Served:

LANCE ERIC NEFF
LUIS GURIDI
MICHAEL W. MERVINE
HON. HARVEY RUVIN, CLERK