

Supreme Court of Florida

WEDNESDAY, NOVEMBER 1, 2023

Tyree Ford,

Petitioner(s)

v.

Carmine Marceno, Sheriff,

Respondent(s)

SC2023-1372

Lower Tribunal No(s).:

362022CF000421000ACH;

362022CF014474000ACH

Petitioner has submitted a "Petition for Nelson Hearing to Remove Michael J. P. Baker as Defendant[]"s Attorney Certification of Conflict," which this Court has treated as a petition for writ of habeas corpus. The petition is hereby transferred, under *Logan v. State*, 846 So. 2d 472 (Fla. 2003), to the Circuit Court of the Twentieth Judicial Circuit, in and for Lee County, Florida, for consideration as a request to discharge counsel in case numbers 362022CF000421000ACH and 362022CF014474000ACH. The transfer of this case should not be construed as an adjudication or comment on the merits of the petition, and the transferee court should not interpret the transfer of this petition as an indication that it should reach a particular result with regard to the Petitioner's request. The transferee court shall treat the petition as if it had been originally filed there on the date it was filed in this Court. If necessary, any determination concerning whether a filing fee shall be applicable to this case shall be made by the transferee court.

APPENDIX
(A)
2 of 2

CASE NO.: SC2023-1372

Page Two

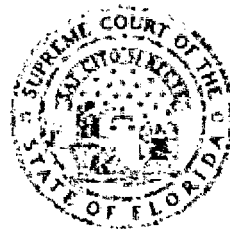
Any future pleadings filed regarding this case should be filed in the above mentioned circuit court at Post Office Box 2469, Fort Myers, Florida 33902.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

A True Copy
Test:

SC2023-1372 11/1/2023

John A. Tomasino
Clerk, Supreme Court
SC2023-1372 11/1/2023



LC

Served:
LEE CLERK
TYREE FORD
CARMINE MARCENO, SHERIFF

Supreme Court of Florida

TUESDAY, DECEMBER 5, 2023

Tyree Ford,

Petitioner(s)

v.

Carmine Marceno, Sheriff,
Respondent(s)

SC2023-1372

Lower Tribunal No(s).:

362022CF000421000ACH;

362022CF014474000ACH

Petitioner's Motion for Rehearing is hereby denied.

A True Copy

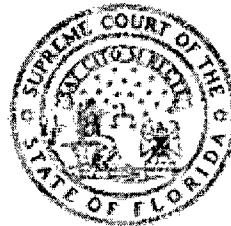
Test:

SC2023-1372 12/5/2023

John A. Tomasino

Clerk, Supreme Court

SC2023-1372 12/5/2023



LC

Served:

LEE CLERK

TYREE FORD

CARMINE MARCENO, SHERIFF

Exhibit 5(A)
1 of 2

Eileen Gabrick

From: Michael Healy
Sent: Monday, March 21, 2022 3:58 PM
To: Eileen Gabrick
Subject: RE: Tyree Ford- Recordable?

Yes.

Michael Healy, Esq.
General Counsel
239-533-2765 | leeclerk.org

From: Eileen Gabrick <egabrick@leeclerk.org>
Sent: Monday, March 21, 2022 3:56 PM
To: Michael Healy <mhealy@leeclerk.org>
Subject: RE: Tyree Ford- Recordable?

So if this is recorded in error, can we issue a refund and notify him with the Non-Recordable notice?

Eileen Gabrick, CPM
Recording and Minutes Manager
Finance & Records Department
239-533-2325 | leeclerk.org

From: Michael Healy <mhealy@leeclerk.org>
Sent: Monday, March 21, 2022 3:47 PM
To: Eileen Gabrick <egabrick@leeclerk.org>
Subject: RE: Tyree Ford- Recordable?

No, they're not recordable. I believe they've been entered into the Court Record for those cases, but they're not recordable in the OR.

Regards,

Michael Healy, Esq.
General Counsel
239-533-2765 | leeclerk.org

From: Eileen Gabrick <egabrick@leeclerk.org>
Sent: Monday, March 21, 2022 3:44 PM
To: Michael Healy <mhealy@leeclerk.org>
Subject: Tyree Ford- Recordable?

Mike

Is the attached a recordable document? Apparently this person comes in weekly and wants these recorded as Notices.

Exhibit (A)
2 of 2



March 30, 2022

Tyree Ford
3203 Ruth Lane
Lehigh Acres, FL 33976

Document Type: Notice:
Recorded: 3/21/2022
Parties: Tyree Ford
Instrument #: 2022000092883

Mr. Ford

Upon verification, it was discovered that the Notice that was recorded on March 21, 2022 is not a recordable document in Official Records. The Lee County Clerk of Courts cannot accept documents or instruments for recording in the Official Records, which are not authorized by Florida Statutes. Pursuant to Section 28.222, Florida Statutes, the Clerk of the Circuit Court is the recorder of all instruments that may be required or authorized by law to be recorded. Florida Statutes may be viewed on the web at <http://www.leg.state.fl.us/Statutes>.

Additionally, the Florida Attorney General addressed the recorder's ministerial role as it relates to recording and the prescribed authority regarding what instruments may be accepted for recording into the Official Records. Please see Florida Attorney General Advisory Opinion (AGO) 90-69 & 2005-17.

"The statutory direction that only those instruments required or authorized by law may be recorded constitutes a prohibition against recording other types of instruments."
Attorney General Opinions can be viewed at www.myfloridalegal.com/ago.nsf/Opinions

Your document has been voided and we have requested a refund be issued to you at the address above. If you feel that the document should be accepted, please provide the legal authority that requires or authorizes recording in the Official Records.

Thank you for your cooperation and understanding.

Sincerely,

Eileen Gabrick
Minutes and Official Records Manager

12/27/22 12:00 PM
by Attorney Peterson

EXHIBIT (B)

1 of 1


RE: TYREE FORD

STATE OF FLORIDA VS. TYREE FORD

contrary to the Statute in such case made and provided and against the peace and dignity of the STATE OF FLORIDA.

YOU ARE COMMANDED to forthwith arrest and bring the above-named defendant before a Judge of our Lee County Court to be dealt with according to law.

WITNESS, my hand and seal of the Circuit Court of Lee County, Florida, this
19th day of April, 2022.


KEVIN KARNES
CLERK OF THE CIRCUIT COURT



The above named defendant is required to appear before the Judge of our Circuit Court in Courtroom D, Lee County Justice Center, 1700 Monroe Street, Fort Myers 33901 on ____ / ____ /2022 at ____ AM/PM to answer the charge set out above.

The defendant is to be admitted to bail in the sum of \$ _____

Returnable: First Monday after service at 8:30 AM in Felony Arraignment Court.

SHERIFF'S RETURN

Received this Capias the ____ day of _____,
and executed the same by delivering a true copy to:

the within named witness, in Lee County, Florida, on the ____ day of _____,

CARMINE D. MARCENO, JR. SHERIFF,
LEE COUNTY, FLORIDA

By: _____
Deputy Sheriff

WITNESS(ES) FOR STATE:
Arresting Agency CR#: 22-000029S1

SAO Warrant #: 2731893

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA
CRIMINAL ACTION

STATE OF FLORIDA

CASE NO: 2023-CF- 315 - H

vs.

John Doe

Race: White Sex: Male

D.O.B.: 10/21/1975 SSN #:

Height: 6'0 Weight: 165

Hair Color: Grey Eye Color: Brown

Address: 5209 Beauty Street, Lehigh Acres,
Florida 33971ARREST CAPIAS

In the name and by the authority of the STATE OF FLORIDA, County of Lee to all and singular the Sheriff's and other arresting officers of the State:

Whereas Katherine J. Rumley, Assistant State Attorney of the Twentieth Judicial Circuit of the State of Florida, prosecuting for the STATE OF FLORIDA, in the County of Lee under oath information makes that:

John Doe

did commit the following offense(s):

- 18) Trafficking in Cocaine, 28 gram or more but less than 200 grams, in violation of F.S. 893.135(1)(b)(1)(a); 777.011

YOU ARE COMMANDED to forthwith arrest and bring the above-named defendant before a Judge of Lee County to be dealt with according to law.

WITNESS, my hand and seal of the Circuit Court of Lee County, Florida, this 24th day
of April, 2023.Kevin Karnes
KEVIN KARNES
CLERK OF THE CIRCUIT COURT

[Exhibit]
EXAMPLE COMPANION
ARREST CAPIAS
2 of 2


Based upon the Affidavit filed in this cause, the Court finds that there is probable cause to believe that the Defendant has committed, in the State of Florida, the above crimes in violation of the above-listed statutes and against the peace and dignity of the State of Florida.

The Clerk is hereby commanded to issue a Capias for the arrest of the Defendant charging him with the above-listed crimes. This warrant may be executed in the manner authorized in Florida Statutes 901.04 and 901.19.

Count 18: The defendant is to be admitted to bail in the sum of \$ 250,000.00

Additional Bond Conditions: Surrender all firearms; Surrender all passport and travel
documentation prior to release from custody; Provide proof of source of funds used to post bond to the
first appearance judge or trial court, pursuant to Fl. Stat. 903.046(f).

DONE AND ORDERED this 21 day of April, 2023, in Fort Myers,
Lee County, Florida.


Honorable Robert Branning
Circuit Court Judge

SHERIFF'S RETURN

Received this Capias the _____ day of _____,
and executed the same by delivering a true copy to:

the within named witness, in Lee County, Florida, on the _____ day of _____,
_____.

CARMINE MARCENO, SHERIFF
LEE COUNTY, FLORIDA

By: _____

Deputy Sheriff
Lee County Sheriff's Office

APPENDIX
(C)
pg 2

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

TYREE FORD
Defendant.

CASE NO.: 22-CF-421
22-CF-14474

ORDER STRIKING DEFENDANT'S PRO SE MOTION

THIS CAUSE comes before the Court on the Defendant's pro se "Amended Motion to Institute Application for Habeas Corpus Proceeding Seeking Releas [sic] from Custody," filed November 16, 2022. The record reflects that Defendant is represented by counsel. Generally, pleadings filed by a criminal defendant who is represented by counsel are treated as a nullity. *Lewis v. State*, 766 So. 2d 288, 289 (Fla. 4th DCA 2000).

Accordingly, it is

ORDERED AND ADJUDGED that Defendant's pro se motion is STRICKEN, without prejudice for counsel to take any appropriate action on behalf of the Defendant.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 29th day of November, 2022.

Nicholas R. Thompson
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished this 29th day of November, 2021 to:

State Attorney 20th Circuit at ServiceSAO-LEE@sao20.org

Donna Peterson at dpetersonlawllc@gmail.com

And by U.S. Mail to: Tyree Ford ID#128493, Lee County Jail, CORE DORM-04, 2501 Ortiz Ave., Ft. Myers, FL 33905; this 29th day of November 2022.

By:

Judicial Assistant

APPENDIX
(C1)
2022

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

vs.

TYREE FORD,
Defendant.

Case No. 22-CF-421
22-CF-14474

ORDER STRIKING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

THIS CAUSE comes before the Court on Defendant's pro se "Petition For Writ of Hebeas [sic] Corpus" filed July 6, 2023.

The record reflects that Defendant is currently represented by Counsel, which renders Defendant's pro se pleading a nullity. Lewis v. State, 766 So. 2d 288, 289 (Fla. 4th DCA 2000) (generally, pleadings filed by a criminal defendant who is represented by counsel are treated as a nullity); Gilbert v. Singletary, 632 So. 2d 1104, 1105 (Fla. 4th DCA 1994) (a party may not be simultaneously represented by counsel and yet file pro se pleadings or petitions in the same case). Accordingly, it is

ORDERED AND ADJUDGED that the motion is STRICKEN as a nullity. This is without prejudice for counsel to file any appropriate motion on Defendant's behalf.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 11th day of July, 2023.


NICHOLAS R. THOMPSON
Circuit Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above order was served this 11th day of July, 2023 as follows:

Electronic Service:
Office of the State Attorney, ServiceSAO-Lee@sao20.org
Mark Youngblood, YoungbloodEsq@gmail.com

U.S.P.S. Service: Tyree Ford, #128493, Lee County Jail, 2501 Ortiz Ave., Fort Myers, FL 33905


Judicial Assistant

*closed
FEB 18, 2023
without reason or
notice to petitioner.*

*APPENDIX
(B)
of 2*

MANDATE

from

DISTRICT COURT OF APPEAL OF
THE STATE OF FLORIDA
SIXTH DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY PETITION,
AND AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS
OPINION OR DECISION;

YOU ARE HEREBY COMMANDED THAT SUCH FURTHER
PROCEEDINGS BE HAD IN SAID CAUSE, IF REQUIRED, IN ACCORDANCE
WITH THE OPINION OF THIS COURT ATTACHED HERETO AND
INCORPORATED AS PART OF THIS ORDER, AND WITH THE RULES OF
PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE CHIEF JUDGE OF THE DISTRICT COURT
OF APPEAL OF THE STATE OF FLORIDA, SIXTH DISTRICT, AND THE SEAL
OF THE SAID COURT AT LAKE LAND, FLORIDA ON THIS DAY,

DATE: February 10, 2023

SIXTH DCA CASE NO. 23-1088

COUNTY OF ORIGIN: Lee

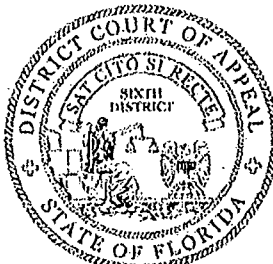
LOWER TRIBUNAL CASE NO. 22CF00421,
22CF14474

CASE STYLE: TYREE FORD

v. STATE OF FLORIDA

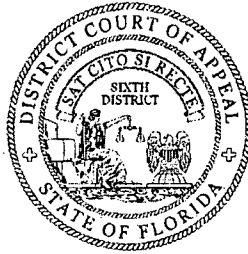


Stacey Pectol
Clerk



cc: (without attached opinion)
ATTORNEY GENERAL, TAMPA
KEVIN KARNES, CLERK

TYREE FORD



APPENDIX
B
2 of 2

DISTRICT COURT OF APPEAL
SIXTH DISTRICT
811 East Main Street
LAKELAND, FLORIDA 33801
(863)940-6041

ACKNOWLEDGMENT OF TRANSFERRED CASE

DATE: January 03, 2023

STYLE: TYREE FORD

v. STATE OF FLORIDA

6DCA#: 6D23-1088

The Sixth District Court of Appeal has received the PETITION reflecting a filing date of December 21, 2022 on transfer from a District Court of Appeal where the previous case number was 2D22-4147. The county of origin is Lee.

The lower tribunal case number provided is 22CF00421,
22CF14474.

The filing fee is: No Fee-Habeas Corpus.

Case Type: HC Criminal

The Sixth District Court of Appeal's case number found at the top of this letter must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

Please review and comply with any handouts enclosed with this acknowledgment.

cc: ATTORNEY GENERAL, TYREE FORD
TAMPA
KEVIN KARNES, CLERK

Exhibit
3/46
No Sworn Oath
to Information Indictment

"Notice of Dishonor and Claim of Lien," knowing or having reason to know the contents of the document or the basis for the action to be fraudulent in violation of Florida Statute 843.0855 (4);777.011,

18. On or about March 21, 2022, did simulate legal process, to wit: "Notice of Default," targeting the Honorable Linda Doggett knowing or having reason to know the contents of such document or the basis of the action to be fraudulent in violation of Florida Statute 843.0855 (3);777.011,
19. On or about March 21, 2022, did under color of law attempt to influence, intimidate, harass, retaliate against, or hinder a public officer to wit: Yesenia Castro, Deputy Clerk for the Lee County Clerk of Court's Office, through use of simulated legal process to wit: "Notice of Default," knowing or having reason to know the contents of the document or the basis for the action to be fraudulent in violation of Florida Statute 843.0855 (4);777.011,
20. On or about March 21, 2022, did under color of law attempt to influence, intimidate, harass, retaliate against, or hinder a public officer to wit: Yalina Rodriguez, Deputy Clerk for the Lee County Clerk of Court's Office, through use of simulated legal process to wit: "Notice of Default," knowing or having reason to know the contents of the document or the basis for the action to be fraudulent in violation of Florida Statute 843.0855 (4);777.011,

against the peace and dignity of the STATE OF FLORIDA,

AMIRA D. FOX
STATE ATTORNEY

BY: 

James D. Miller
Assistant State Attorney
Florida Bar Number 0048425
2000 Main Street
Fort Myers, Florida 33901
(239) 533-1000
eService: eservice@sao20.org

RE: Tyree Ford, CF- -

EXHIBIT
(f) 2012

Nicholas R. mpson
Circuit Judge
Lee County Justice Center
1700 Monroe Street
Fort Myers, FL 33901

FT MYERS FL 339

18 JUL 2023 6

FIRST-CLASS
NONAUTOMATED
PSRT LTR



US POSTAGE MPITNEY BOWES

ZIP 33901 \$ 000.57⁶
02 7W
0008026898 JUL 12 2023

Tyree Ford, #128493
Lee County Jail
2501 Ortiz Ave.
Fort Myers, FL 33905

70d Q

9 ERBYNMP 33905



EXHIBIT
(F) 10 of 2



KEVIN C. KARNES
CLERK OF THE COURT
& COMPTROLLER
LEE COUNTY, FLORIDA

CRIMINAL DIVISION

P.O. BOX 2507 · FORT MYERS, FL 33902

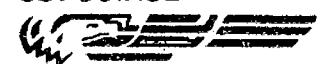
Case #22-CF-000421

Case #22-CF-014474

FIRST-CLASS
COMM NONAUTO
PRSRT LTR



US POSTAGE PAID PITNEY BOWES



ZIP 33901 \$ 000.54⁶
02 7W
0008026898 JUN 21 2023

Tyree Ford, #128493 ~~Dorm (4)~~

Lee County Jail Core Facility

2501 Ortiz Avenue

Fort Myers, Florida 33905

POD V

9 ERBYNMP 33905

