

cont

APPENDIX

A

DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

CALVIN K. WILSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

No. 2D23-1994

February 7, 2024

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

Calvin K. Wilson, pro se.

PER CURIAM.

Affirmed.

KELLY, BLACK, and SMITH, JJ., Concur.

Opinion subject to revision prior to official publication.

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APPENDIX

B

3-11-2024

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT
1700 N. TAMPA STREET, SUITE 300, TAMPA, FL 33602

March 06, 2024

CASE NO.: 2D23-1994
L.T. No.: 03-CF-008814-A

CALVIN K. WILSON v. STATE OF FLORIDA

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

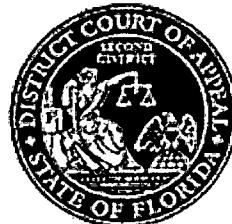
Appellant's motion for rehearing/written opinion/clarification is denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Ib

Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel
Clerk



Served:

ATTORNEY GENERAL, TAMPA
CALVIN K. WILSON

DAVID CAMPBELL, A.A.G.
HILLSBOROUGH CLERK

Appendix B.

APPENDIX

C

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

STATE OF FLORIDA,

CASE NO.: 03-CF-008814

v.

CALVIN K. WILSON,
Defendant.

DIVISION: B/J

**ORDER DENYING PETITIONER [SIC] MOTION FOR FRANKS HEARING
DUE TO FRAUD ON TRIAL COURT**

THIS MATTER is before the Court on "Petitioner [sic] motion for Franks hearing due to fraud on trial court" and "motion to transport" both filed on June 9, 2023. After reviewing the motions, the court file, and the record, the Court finds the following:

In case 03-CF-008814, a jury found Defendant guilty of RICO violation (count one), conspiracy to commit a RICO violation (count two), conspiracy to traffic in heroine (count nine), and nine counts of trafficking in illegal drugs (counts twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, and twenty). (See judgment and sentence, attached). On April 4, 2005, the Court sentenced him to thirty (30) years' prison on counts one and two, to thirty (30) years' prison with a twenty-five (25) year mandatory minimum on counts nine, fourteen, and nineteen, to three (3) years prison with a three (3) year mandatory minimum on counts twelve, thirteen, fifteen,

Appendix C.

and eighteen, and to thirty (30) years' prison with a fifteen (15) year mandatory minimum on counts sixteen, seventeen, and twenty, with all counts to run concurrently. (See judgment and sentence, amended judgment and sentence, attached). On July 18, 2006, the minimum mandatories on counts seventeen and twenty were reduced from fifteen years' prison to three (3) year minimum mandatory terms on counts seventeen and twenty. (See amended sentence, attached).

In "petitioner [sic] motion for Franks hearing due to fraud on trial court," he requests a *Franks*¹ hearing because Detective Charles J. Massucci provided false, untruthful, and deceitful statements in his affidavit for search warrant. After review the motion, the court file, and the record, the Court finds that he should have sought a *Franks* hearing prior to trial. **As such, Defendant is not entitled to the requested relief.**

In his "motion to transport," he requests that the Court issue an order transporting him to the Hillsborough County Jail so he can pursue his pending motion for a *Franks* hearing. **After reviewing the motion, the court file, and the record, the Court finds that based on the Court's ruling on his motion for a *Franks* hearing, he is not entitled to the requested relief.**

¹ *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978).

It is therefore **ORDERED AND ADJUDGED** that "petitioner [sic] motion for Franks hearing due to fraud on trial court" and "motion to transport" are 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 _____ day of _____, 2023.

ORIGINAL SIGNED

JUN 29 2023

MICHELLE SISCO
CIRCUIT JUDGE

MICHELLE SISCO, Circuit Judge

Attachments:

judgment and sentence
amended judgment and sentence
amended sentence
petitioner [sic] motion for Franks hearing due to fraud on the trial court
motion to transport

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Order has been furnished to Calvin K. Wilson (DC# 524576), South Bay Correctional Facility, 600 U.S. Highway 27, South, South Bay, Florida 33493-2233, by regular U.S. Mail; and to the Assistant State Attorney for Division J, 419 Pierce Street, Tampa, Florida 33602, by inter-office mail, on this 29 day of June, 2023.



L. McDaniel
DEPUTY CLERK

APPENDIX

D

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

STATE OF FLORIDA,

CASE NO.: 03-CF-008814-B

v.

CALVIN K. WILSON,
Defendant.

DIVISION: B/J

ORDER DENYING MOTION FOR REHEARING AND CLARIFICATION
OF THE LAW

THIS MATTER is before the Court on "Petitioner [sic] motion for Franks hearing due to fraud on trial court" and "motion to transport" both filed on June 9, 2023. On June 29, 2023, the Court denied "Petitioner [sic] motion for Franks hearing due to fraud on trial court" and "motion to transport." On July 17, 2023, Defendant filed a "motion for rehearing and clarification of the law." After reviewing the motion, the court file, and the record, the Court finds the following:

In his motion, Defendant alleges that this Court overlooked or misapprehended law and facts in its June 29, 2023, order. After reviewing the motion, the Court's June 29, 2023, order, the court file and the record, the Court finds that its June 29, 2023, order adequately addressed Defendant's June 9, 2023, motion, finding that Defendant should have

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sought a *Franks* hearing prior to trial. (See June 29, 2023, order, attached).

As such, no rehearing or clarification is warranted.

It is therefore **ORDERED AND ADJUDGED** that Defendant's "motion for rehearing and clarification of the law" is hereby **DENIED**.

Defendant has thirty (30) days from the date of this Final Order within which to appeal.

DONE AND ORDERED in Chambers in Hillsborough County, Florida, this _____ day of _____, 2023.

ORIGINAL SIGNED

AUG 24 2023

MICHELLE SISCO
CIRCUIT JUDGE

MICHELLE SISCO, Circuit Judge

Attachments:

June 29, 2023, order
motion for rehearing and clarification of the law

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Order has been furnished to Calvin K. Wilson (DC# 524576), South Bay Correctional Facility, 600 U.S. Highway 27, South, South Bay, Florida 33493-2233, by regular U.S. Mail; and to the Assistant State Attorney for Division J, 419 Pierce Street, Tampa, Florida 33602, by inter-office mail, on this 5 day of Sept., 2023.





Cindy Estuary
DEPUTY CLERK