

APPENDIX

APPENDIX A: Page 1074-1077, transcripts James Peacock-father.

APPENDIX A: Page 1077, Marion Peacock-mother.

APPENDIX B: Page 1078, Laurie Holley-daughter.
 Lisa Bristol-daughter of James
 Lynn Ryals- son-in-law of James
 Danny Ryals- son-in-law of James
 Rhett Golden- step-son of Marion
 Mike Holley- Son-in-law of James

APPENDIX C: Page 1079, Judge called a member of the Peacock family by his nickname.

APPENDIX D: Page 1069, Judge from the bench initiates his own ore tenus motion.

Supreme Court of Florida

MONDAY, AUGUST 12, 2024

Sammy Lee Gibbs,
Petitioner(s)

v.

Secretary, Department of
Corrections,
Respondent(s)

SC2024-0730

Lower Tribunal No(s):
071986CF000071CFAXMX;
071986CF000072CFAXMX

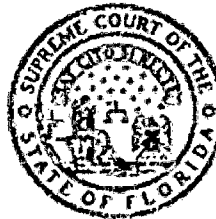
The petition for writ of habeas corpus is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues that were or could have been raised on direct appeal or in prior postconviction proceedings. *See Denson v. State*,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

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

A True Copy
Test:

SC2024-0730 8/12/2024

John A. Tomasino
Clerk, Supreme Court
SC2024-0730 8/12/2024



KS

Served:

CRIMINAL APPEALS TLH ATTORNEY GENERAL
CALHOUN CLERK
SAMMY LEE GIBBS

CASE NO.: SC2024-0730

Page Two

DEPARTMENT OF CORRECTIONS SECRETARY
QUINIKIUS TURNER

Appendix A

1 MR. KNIGHT: Particularly in view
2 of the circumstances that we are proceeding on such as
3 hearsay evidence.

4 THE COURT: I'm well aware of
5 that but I'd like to hear from him in view of the
6 fact they're present. If the Court Reporter can get
7 it James, stand right there and do it that way to
8 expedite the matter. If we have a problem hearing,
9 let me know.

10 JAMES A. PEACOCK, JR.

11 The witness, having first been cautioned and duly sworn to
12 tell the truth, the whole truth, and nothing but the truth,
13 testified on direct examination by Mr. Knight, as follows:

14 Q You are J. A. Peacock, Jr.?

15 A Yes, sir.

16 Q You are the father of the victim in this case, Jim
17 Peacock?

18 A Yes, sir.

19 Q Mr. Peacock, you were in Marianna during the trial of
20 Sammy Gibbs?

21 A Yes.

22 Q During the lunch break in Marianna, did you eat in a
23 public restaurant in that area?

24 A Yes, sir.

25 Q On any occasion was any juror in this case present at

1 the same restaurant where you might have been
2 having your lunch?

3 A Not that I know of. I did not look around to see.

4 Q Did you or any member of your family ever sit at the
5 same table and have a meal with any of the jurors in
6 this case during the week of trial?

7 A No, sir.

8 Q Did you or any member of your family during the week
9 of this trial have any conversation with any of the
10 jurors?

11 A No, sir.

12 Q All right. Now, so you are saying then that it is
13 possible you might have been in the same restaurant,
14 but you had no contact?

15 A We ate one day at Pizza Hut and then we ate at Tony's
16 Restaurant and ate at Jim's Steakhouse. I did not
17 see everyone that was there.

18 Q All right, you may inquire.

19 CROSS EXAMINATION BY MR. GRIFFITH:

20 Q Mr. Peacock, were you with your family during the
21 entire course of this trial?

22 A Yes, sir.

23 Q (Inaudible question)

24 A (Inaudible answer)

25 Q You were allowed once you finished testifying in the

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1 MR. KNIGHT: Particularly in view
2 of the circumstances that we are proceeding on such as
3 hearsay evidence.

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5 that but I'd like to hear from him in view of the
6 fact they're present. If the Court Reporter can get
7 it James, stand right there and do it that way to
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17 Peacock?

18 A Yes, sir.

19 Q Mr. Peacock, you were in Marianna during the trial of
20 Sammy Gibbs?

21 A Yes.

22 Q During the lunch break in Marianna, did you eat in a
23 public restaurant in that area?

24 A Yes, sir.

25 Q On any occasion was any juror in this case present at

1 case, you were allowed to be removed from the rule and
2 did not have to stay in the witness room?

3 A Yes, sir.

4 Q So you were with your family from that point on in
5 the trial?

6 A Yes, sir.

7 Q Do you know who the jurors were in this case?

8 A I do not know the names.

9 Q Okay.

10 A I thought the Foreman, Mr. Hand, I thought I knew
11 him after the name was called. I didn't know anyone
12 else on the jury.

13 Q And you are certain none of the other members of your
14 family entered into any conversation with any juror
15 during the course of the trial?

16 A No, sir, never had any contact with them.

17 Q You did not eat at the same table?

18 A No, sir.

19 Q Do you know Mr. Gibbs' father, Arthur Gibbs?

20 A No, he was pointed out to me in the courtroom some time
21 the second, third day of the trial or something.

22 Q Do you notice him in the restaurant where you were
23 eating?

24 A No, sir, I didn't notice him.

25 Q Could he have been there and you didn't notice him?

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1 A Yes, sir, he could have been.

2 THE COURT: Anything further of
3 this witness? Mr. Peacock, I think I recall that your
4 daughter, Hope, was not present this morning attended
5 one or two days of the trial, is that correct?

6 THE WITNESS: Yes, sir.

7 Q Is that correct?

8 A Yes, sir.

9 Q She was in your presence all the time that she was
10 in Jackson County during these proceedings, during
11 the trial.

12 A Yes, sir.

13 Q You may have a seat. Would the other seven of you
14 please rise and raise your right hand?

15 (The remaining family members were
16 sworn collectively)

17 THE COURT: Mrs. Marion Peacock,
18 you're the wife of James Peacock?

19 THE WITNESS: Yes, I am.

20 Q Would your testimony be any different than what your
21 husband has just given?

22 A No, sir, it would not. Nothing but friends sitting at
23 our table and family members.

24 Q Your testimony is exactly what your husband said?

25 A Yes, sir.

1077

- 1 case, you were allowed to be removed from the rule and
2 did not have to stay in the witness room?
- 3 A Yes, sir.
- 4 Q So you were with your family from that point on in
5 the trial?
- 6 A Yes, sir.
- 7 Q Do you know who the jurors were in this case?
- 8 A I do not know the names.
- 9 Q Okay.
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11 him after the name was called. I didn't know anyone
12 else on the jury.
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14 family entered into any conversation with any juror
15 during the course of the trial?
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- 20 A No, he was pointed out to me in the courtroom some time
21 the second, third day of the trial or something.
- 22 Q Do you notice him in the restaurant where you were
23 eating?
- 24 A No, sir, I didn't notice him.
- 25 Q Could he have been there and you didn't notice him?

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Appendix B

1 Q Laurie Holley, you're the daughter of James and Marion
2 Peacock?

THE WITNESS: Yes, sir.

3
4 Q Your testimony be any different than what Mr. Peacock
5 said?

6 A No, sir.

7 Q Lisa Bristol, you're the daughter of James Peacock.
8 Your testimony be any different than what already has
9 been granted?

10 A No, sir.

11 Q Lynn Ryals, your testimony be any different than what
12 your father gave?

13 A No, sir.

14 Q Danny Ryals, you're the son-in-law of James Peacock.
15 Would your testimony be any different than what has
16 already been given?

17 A No, sir.

18 Q Rhett Golden, you are the son of Mrs. Marion Peacock,
19 step-son of James Peacock. Your testimony be any
20 different than -- be the same as given by James
21 Peacock?

22 A Yes, sir.

23 Q Mike Holley, you're the son-in-law of James Peacock.
24 Would your testimony be any different than what was
25 presented here this morning by Mr. Peacock?

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1 A No, sir.

2 Q Any questions of any of these seven?

3 MR. GRIFFITH: Of the whole group,
4 how many attended the trial? All of you there during
5 this entire trial?

6 THE COURT: One question, do any
7 of you know of any member of the Peacock family
8 that attended the trial other than Hope that's not
9 present?

10 A WITNESS: My wife.

11 THE COURT: Your wife, okay. She
12 attended one day, I believe. Was she in your
13 presence all the time that she was there, Grant?

14 THE WITNESS: (Indicating in the
15 affirmative)

16 MR. KNIGHT: James' niece was there
17 for whatever that's worth.

18 THE COURT: Yeah, I do remember
19 that. As far as you know she was in your presence
20 all the time you were there, Mr. Peacock?

21 MR. PEACOCK: Yes, sir.

22 MRS. PEACOCK: Two nieces were
23 there, brother was there one day there with us the
24 entire time.

25 THE COURT: Thank you, you may be

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Appendix C

1 A No, sir.

2 Q Any questions of any of these seven?

3 MR. GRIFFITH: Of the whole group,
4 how many attended the trial? All of you there during
5 this entire trial?

6 THE COURT: One question, do any
7 of you know of any member of the Peacock family
8 that attended the trial other than Hope that's not
9 present?

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11 THE COURT: Your wife, okay. She
12 attended one day, I believe. Was she in your
13 presence all the time that she was there, Grant?

14 THE WITNESS: (Indicating in the
15 affirmative)

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19 that. As far as you know she was in your presence
20 all the time you were there, Mr. Peacock?

21 MR. PEACOCK: Yes, sir.

22 MRS. PEACOCK: Two nieces were
23 there, brother was there one day there with us the
24 entire time.

25 THE COURT: Thank you, you may be

1079

Appendix D

1 MR. GRIFFITH: As grounds. . .

2 THE COURT: Do you have any
3 objection to an ore tenus motion of this time amend-
4 ment at this time?

5 MR. KNIGHT: No objection, Judge.

6 MR. GRIFFITH: Judge, I'm not
7 prepared at this time to go forward with the motion
8 as amended. I'm just requesting authority to amend
9 the motion to state additional grounds and to be
10 given a reasonable period of time. Since I just
11 found out this morning, I don't have a witness here
12 to testify, to state additional grounds and a short
13 period of time in which to investigate and go ahead
14 and establish the ground stated.

15 THE COURT: What says the State?

16 MR. KNIGHT: I'm sorry, Your Honor,
17 I didn't understand what he was saying.

18 THE COURT: He is asking that we
19 not hear the motion for a new trial at this time.

20 MR. KNIGHT: Your Honor, I'm
21 prepared to offer testimony from the parties involved
22 if it becomes necessary to in opposition of his new
23 ground so stated. I think that's all that's necessary

24 THE COURT: I'm going to hear
25 your ore tenus motion at this time, Mr. Griffith, and

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APPENDIX “B”

SUPREME COURT OF FLORIDA

SBCF

AUG 20 2024

LEGAL COUNSEL

QUINIQUIUS TURNER,
SAMMY L. GIBBS,
Petitioner(s)
V.

SC 2024-0730

RICKY W. DIXON,
Sec. Dept. of Corrections,
Respondent.

MOTION TO SET-ASIDE/RELIEF FROM
JUDGMENT, DECREES, OR ORDERS

Pursuant to Florida Rules of Civil Procedure Rule 1.540(b) Sammy Gibbs #580345 seeks an order to set-aside/relief from Judgment, decrees, or orders. That are inconsistent with DUE PROCESS.

The August 12, 2024 order mistakes the "inapplicable" rulings in Denson v State 775 So2d 288 and Breedlove v State, 595 So2d 8 to apply to the "unique circumstances" presented by Mr. Gibbs warranting review on the merits. The trial Judge illegally sentenced Mr. Gibbs while presiding in a disqualified status.

Code of Judicial Conduct Canon 3 E (i) A Judge **SHALL** disqualify himself or herself in a proceeding in which the Judge's impartiality might reasonably be questioned, including but not limited to instances where: (d) the Judge or the Judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person: Judge W.L. Bailey was at the time of trial and sentencing related within the third degree by blood to Amariah Peacock the victim's grandfather. Through due diligence it was discovered on www.littletownmart.com the family history of the Bailey and Peacock families. This web sight was not in existence when Mr. Gibbs

direct appeal was filed; nor did this sight exist when Mr. Gibbs' 3.850 motion was filed.

To hold that the procedural bar that applies to Denson "(who argued illegal sentence on Habeas Corpus)". Breedlove's "(Habeas claim was ineffective assistance of counsel)" applies equally to Mr. Gibbs claim of illegal detention. Would eviscerate the Petition For Writ of Habeas Corpus established in Article 1, Section 13 of Florida Constitution and result in a manifest injustice to the Gibbs family.

The new information of blood relations coupled with Judge Bailey naming nine (9) members of the Peacock family first and last name from the bench. Undermine every possible argument of judicial neutrality where only one member testified during trial. Florida Law is a Judge SHALL be disqualified to act in any cause in which a person related by consanguineus or affinity within the third degree is a party. Due Process has always been understood to require a trial before an impartial decision maker. Mr. Gibbs has been denied the basic requirements of DUE PROCESS. Judge Bailey refusal to recuse himself exhibit personal bias and prejudice, that are unethical and renders Gibbs' detention illegal.

Knowing the blood relationship between Judge Bailey and the Peacock family. Judge Bailey had a Constitutional and ethical duty to recuse himself. All orders of Judge Bailey are Void. If the DUE PROCESS guarantee is to have an meaning the court must vacate its' mistaken prior order procedurally barring the GREAT WRIT OF HABEAS CORPUS, now that Mr. Gibbs has established kinship between Judge Bailey and the opposing party. Judge Bailey was without jurisdiction to impose this illegal detention order. Which exceed the life-qualified Jurys recommendation. Judge Bailey's failure to adhere to Florida's Law of Mandatory Recusal

has resulted in an unconstitutional lost of liberty without DUE PROCESS of law. Habeas Corpus should be granted to correct this manifest injustice that has been suffered for thirty-eight (38) years. Habeas Corpus is the only available vehicle in state Court to challenge this illegal detention.

RELIEF SOUGHT is immediate release from the illegal detention order entered without subject matter Jurisdiction that was lost due to consanguineus relationship within the third degree between Judge Bailey and the Peacock family.

UNDER penalty of perjury, I swear or affirm that I believe the facts I have stated are true.

Sammy Gibbs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION TO SET-ASIDE/RELIEF FROM JUDGMENT, DECREES, OR ORDERS has been placed in the hands of prison officials for mailing to: CLERK'S OFFICE % Chief Justice Carlos Munoz, 500 South Duval St. Tallahassee FL. % Ricky Dixon 501 South Calhoun St. Tallahassee FL 32311. This 20th day of August 2024

Sammy Gibbs

APPENDIX “C”

Supreme Court of Florida

THURSDAY, MAY 16, 2024

Sammy Lee Gibbs,
Petitioner(s)

v.

Secretary, Dept. of
Corrections,
Respondent(s)

SC2024-0730

Lower Tribunal No(s).:
071986CF000071CFAXMX;
071986CF000072CFAXMX

Petitioner, Sammy Lee Gibbs, is hereby directed to file a response with this Court, on or before June 5, 2024, advising either his consent or non-consent to the filing of the petition for writ of habeas corpus, which was filed on Petitioner's behalf by Quinikius Turner.

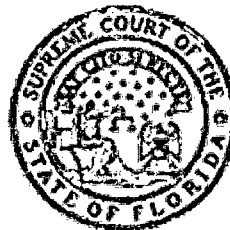
Failure to timely provide written consent or non-consent will be deemed as non-consent to the filing of the above referenced pleading and the case will be dismissed.

A True Copy
Test:

SC2024-0730 5/16/2024

John A. Tomasino

Clerk, Supreme Court
SC2024-0730 5/16/2024



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APPENDIX “D”

Supreme Court of Florida

THURSDAY, SEPTEMBER 12, 2024

Sammy Lee Gibbs,
Petitioner(s)

v.

Secretary, Department of
Corrections,
Respondent(s)

SC2024-0730

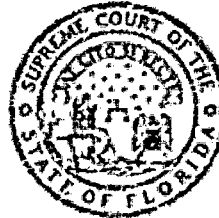
Lower Tribunal No(s).:
071986CF000071CFAXMX;
071986CF000072CFAXMX

Pursuant to this Court's order dated August 12, 2024, the
Motion for Rehearing is hereby stricken as unauthorized.

A True Copy
Test:

SC2024-0730 9/12/2024

John A. Tomasino
Clerk, Supreme Court
SC2024-0730 9/12/2024



KS

Served:

CRIMINAL APPEALS TLH ATTORNEY GENERAL
CALHOUN CLERK
SAMMY LEE GIBBS
DEPARTMENT OF CORRECTIONS SECRETARY
QUINIUS TURNER