

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR LAKE COUNTY, FLORIDA

ANTONIO JOHNSON,
Petitioner,
v.

CASE NO: 35-2021-CA-2012-AXXX-XX

ASHLEY MOODY, Attorney General,
THE STATE OF FLORIDA, and
MARK S. INCH, Secretary,
FLORIDA DEPARTMENT OF CORRECTIONS,
Respondent(s)

CLERK OF CIRCUIT
AND COUNTY COURT
LAKE COUNTY
TAVARES FLORIDA

2022 FEB 10 AM 10:19

**AMENDED ORDER DENYING PETITIONER'S EMERGENCY
PETITION FOR WRIT OF HABEAS CORPUS**
(Amended to Correct Certificate of Service Completion Only)

THIS CAUSE came before the Court for review and consideration without a hearing upon the Emergency Petition for Writ of Habeas Corpus filed on December 1, 2021 ("Petition"), and the Court, having reviewed said Petition and other pertinent documents in the Court file, and being otherwise fully advised in the premises, finds and concludes as follows:

1. In the instant case, Petitioner alleges that the Attorney General has agreed by acquiescence that Petitioner was tried on a void Amended Information and is entitled to immediate discharge from the custody of Respondent after the Attorney General failed to respond to an email sent by Petitioner.

2. Petitioner has failed to establish a *prima facie* case for relief. See Fla. R. Civ. Pro. 1.630. If Petitioner is seeking to attack his conviction, he is not barred from filing a pleading or motion in Miami-Dade County as long as said filing comports with Florida law.

In view of the foregoing, the record, and applicable law, it is hereby **ORDERED** and **ADJUDGED** that the Emergency Petition for Writ of Habeas Corpus filed on December 1, 2021 is **DENIED**.

DONE and **ORDERED** in Chambers at Tavares, Lake County, Florida this 9th day of February 2022, *nunc pro tunc* to January 5, 2022.



LARRY METZ, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was served via hand or mail delivery or electronic service to Antonio Johnson, DC # 446897, 19225 U.S. Highway 27, Clermont, Florida 34715-9025; Office of the State Attorney, 550 W. Main Street-PO Box 7800, Tavares, FL 32778; Office of the Attorney General, Department of Legal Affairs, 5th Floor, 444 Seabreeze Blvd., Daytona Beach, FL 32118, Florida Department of Corrections, Office of General Counsel, 501 South Calhoun Street, Tallahassee, FL 32399-2500; and the Clerk of Court this 10th day of February 2022.

By: D. J. [Signature]
~~Judicial Assistant~~ Deputy Clerk

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CLERK OF CIRCUIT
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TAVARES, FLORIDA

2022 JAN - 6 AM 11:32

**ORDER DENYING PETITIONER'S EMERGENCY
PETITION FOR WRIT OF HABEAS CORPUS**

THIS CAUSE came before the Court for review and consideration without a hearing upon the Emergency Petition for Writ of Habeas Corpus filed on December 1, 2021 ("Petition"), and the Court, having reviewed said Petition and other pertinent documents in the Court file, and being otherwise fully advised in the premises, finds and concludes as follows:

1. In the instant case, Petitioner alleges that the Attorney General has agreed by acquiescence that Petitioner was tried on a void Amended Information and is entitled to immediate discharge from the custody of Respondent after the Attorney General failed to respond to an email sent by Petitioner.

2. Petitioner has failed to establish a *prima facie* case for relief. See Fla. R. Civ. Pro. 1.630. If Petitioner is seeking to attack his conviction, he is not barred from filing a pleading or motion in Miami-Dade County as long as said filing comports with Florida law.

In view of the foregoing, the record, and applicable law, it is hereby **ORDERED** and **ADJUDGED** that the Emergency Petition for Writ of Habeas Corpus filed on December 1, 2021 is **DENIED**.

DONE and **ORDERED** in Chambers at Tavares, Lake County, Florida this 5TH day of January 2022.



LARRY METZ, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was served via hand or mail delivery or electronic service to Antonio Johnson, DC # 446897, 19225 U.S. Highway 27, Clermont, Florida 34715-9025; Office of the State Attorney, 550 W. Main Street-PO Box 7800, Tavares, FL 32778; Office of the Attorney General, Department of Legal Affairs, 5th Floor, 444 Seabreeze Blvd., Daytona Beach, FL 32118, Florida Department of Corrections, Office of General Counsel, 501 South Calhoun Street, Tallahassee, FL 32399-2500; and the Clerk of Court this _____ day of January 2022.

By: _____
Deputy Clerk