

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

CASE NUMBER: 35-2011-CF-000592-BXXX-XX

STATE OF FLORIDA,

vs.

SHAWN MICHAEL CAMPER,
Defendant.

CLERK OF CIRCUIT
AND COUNTY COURT
LAKE COUNTY
TAVARES FLORIDA

2021 MAY 14 AM 10:55

**ORDER DISMISSING DEFENDANT'S
"EMERGENCY PETITION FOR MANDATORY INJUNCTION"**

THIS CAUSE came before the Court for review and consideration without a hearing upon the Defendant's "Emergency Petition for Mandatory Injunction" filed *pro se* on April 29, 2021 (mailbox rule) ("Petition"). The Court, having reviewed the Petition and the record, having consulted the relevant legal authorities, and being otherwise fully advised in the premises, finds and concludes as follows:

1. Defendant requests that this Court "order [the] Florida Department of Corrections (DOC) to release Petitioner May 24, 2021." Defendant's Petition is therefore treated as a Petition for Writ of Habeas Corpus. Defendant does not allege that he is currently illegally confined, and thus his Petition is premature. *See Netherly v. Dugger*, 513 So. 2d 259, 260 (Fla. 2d DCA 1987).

2. Even if the Petition were timely, this Court would have no jurisdiction, as Defendant is confined at the Gainesville Work Camp in Alachua County, Florida. "[A] petition for writ of habeas corpus should be filed in the circuit where the defendant is detained" *Richardson v. State*, 918 So. 2d 999, 1001 (Fla. 5th DCA 2006).

3. Lastly, it is the Department of Corrections who holds authority to "determine the appropriate amount of earned gain time," not a trial court. *Rice v. State*, 563 So. 2d 210, 211 (Fla.

5th DCA 1990); *see also* § 944.28(1), Florida Statutes ("If . . . probation is revoked, the department may, without notice or hearing, declare a forfeiture of all gain-time earned")

In view of the foregoing findings, the pertinent portions of the record, and applicable law, it is

ORDERED and **ADJUDGED** that Defendant's "Emergency Petition for Mandatory Injunction" filed *pro se* on April 29, 2021 (mailbox rule), is treated as a Petition for Writ of Habeas Corpus, determined to be premature, and therefore is **DISMISSED WITHOUT PREJUDICE**.

DONE and **ORDERED** in Chambers at Tavares, Lake County, Florida this 13th day of May 2021.



LARRY METZ, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been served via US Mail/E-Mail/Hand Delivery/Florida Courts E-Filing Portal this 14th day of May 2021, to:

Fifth Judicial Circuit Office of the State Attorney, Lake County

Defendant, Shawn Michael Camper, U39989, Gainesville Work Camp (Male)


DEPUTY CLERK