

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

CASE NO: 2022-CA-1667

ANTONIO JOHNSON,

Petitioner

vs.

CHRISTOPHER EDELEN, Warden
LAKE CORRECTIONAL INSTITUTION,

Respondent.

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

THIS CAUSE came before the Court for review and consideration without a hearing upon the Petition for Writ of Habeas Corpus filed on September 12, 2022 (“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. Defendant alleges that he was convicted of a crime not charged in the information.
2. A petition for writ of habeas corpus is generally filed in the Circuit Court in which a petitioner is incarcerated. *Bush v. State*, 945 So. 2d 1207 (Fla. 2006).
3. However, when a petitioner attacks the validity of a conviction by raising issues relating to the trial, jurisdiction for habeas proceedings instead lies in the Circuit Court in which the petitioner was convicted. *Collins v. State*, 859 So. 2d 1244, 1245 (Fla. 5th DCA 2003); *Baker v. State*, 164 So. 3d 38, 39 (Fla 3d DCA 2015).
4. Based on the exhibits attached to the petition, it appears that Petitioner was convicted in the Eleventh Judicial Circuit.
5. Thus, this Court lacks jurisdiction to consider Petitioner’s claims. Jurisdiction to

hear a petition for writ of habeas corpus arising out of the trial that resulted in the conviction under which the Petitioner is incarcerated lies with the trial court that rendered the conviction and sentence.

In view of the foregoing findings, the pertinent portions of the record, and applicable law, it is **ORDERED** and **ADJUDGED** that the Petition for Writ of Habeas Corpus be **DISMISSED**.

DONE and **ORDERED** in Chambers at Tavares, Lake County, Florida this 24TH day of October 2022.



LARRY METZ, CIRCUIT JUDGE


CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and accurate copy of the foregoing has been served by U.S. Mail/Inter-Office, Mail/Fax this 25TH day of October 2022 to the following:

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~~Deputy Clerk~~ Judicial Assistant