

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO. 2024-CA-009379-O

JAQYOUNE ADAMS,

Petitioner,

DIRECTIONS TO CLERK BELOW

v.

STATE OF FLORIDA,

Respondent.

_____ /

**ORDER TRANSFERRING CASE TO
SIXTH DISTRICT COURT OF APPEAL**

THIS MATTER came before the Court for consideration of Petitioner’s “Petition for a Writ of Certiorari,” filed with the Clerk of this Court on October 22, 2024. The Court finds as follows:

Petitioner’s current filing requests this Court’s review of a petition transferred to the Ninth Judicial Circuit by the Florida Supreme Court¹ and currently pending as a postconviction filing within Petitioner’s Criminal Division cases, 2019-CF-003334-C-O and 2019-CF-003449-A-O. That transferred petition, filed with the Clerk of this Court on August 20, 2024, requests

¹ See *Adams v. Dep’t of Corr.*, SC2024-1149 (Fla. August 20, 2024).

Petitioner's emergency release due to alleged errors in his sentencing related to the Criminal Division cases.

While the current filing requests certiorari relief, this Court will treat it as a petition for writ of mandamus since it requests "immediate determination" of the earlier transferred petition and contends there is no "reason for this matter to be treated as an unimportant issue [and] prolonged."² We read the filing as seeking, in essence, to compel the circuit court to rule on the transferred petition requesting postconviction relief filed in Petitioner's Criminal Division cases. However, since Petitioner is seeking a writ directed to proceedings in the circuit court, the proper court to address their petition is the Sixth District Court of Appeal. *See Fla. R. App. P. 9.030(b)-(c)*. The Court determines that the current filing should have been filed in that court.

Therefore, pursuant to Florida Rule of Appellate Procedure 9.040(b)(1), it is

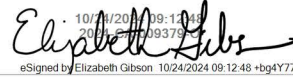
ORDERED and ADJUDGED:

1. This matter shall be **TRANSFERRED** to the Sixth District Court of Appeal.
2. The Clerk of this Court shall transmit copies of the entire case file to

² While the current filing could also potentially be construed as requesting habeas relief through its request for Petitioner's immediate release, this Court finds that Petitioner's habeas claim is more completely pleaded through the transferred petition requesting "emergency release" in his Criminal Division cases.

that Court and then **CLOSE** the case forthwith.

DONE and ORDERED in Chambers, at Orlando, Orange County, Florida,
on this 24th day of October, 2024.

10/24/2024 09:12:48
2024-CA-009379-O

eSigned by Elizabeth Gibson 10/24/2024 09:12:48 +bg4Y7zn

ELIZABETH GIBSON
Circuit Judge

MURPHY and TENNIS, JJ., concur.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was delivered on the 24th day of October, 2024, to the following persons by U.S. Mail:

Petitioner: **JAQYOUNE ADAMS, #X85479**, Northwest Florida Reception Center Annex, 4455 Sam Mitchell Drive, Chipley, Florida 32428-3597

Respondent: No appearance.

CLERK OF COURT, SIXTH DISTRICT COURT OF APPEAL, 811 East Main Street, Lakeland, FL 33801

Megan Swain, Judicial Assistant