

Supreme Court of Florida

TUESDAY, MAY 19, 2009

CASE NO.: SC09-730

Lower Tribunal No(s): 05-5786CF10A,
05-13155CF10A,
06-3150CF10A

ALPHONSO SMITH

vs. WALTER A. MCNEIL, ETC.

Petitioner(s)

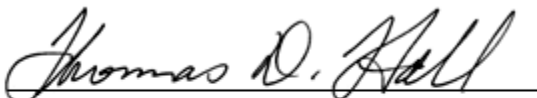
Respondent(s)

Petitioner has submitted a "Motion to Reverse Appellant's Violation of Probation and to Reinstate Probation," which this Court has treated as a petition for writ of habeas corpus. The petition is hereby transferred to the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida (Case Nos. 06-3150CF10A, 05-05786CF10A, 05-13155CF10A), for consideration as a motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. The transfer of this case should not be construed as an adjudication or comment on the merits of the petition, nor as a determination that the transferee court has jurisdiction or that the petition should be considered as a motion for postconviction relief. The transferee court should not interpret the transfer of this case as an indication that it must or should reach the merits of the petition. The transferee court shall treat the petition as if it had been originally filed there on the date it was filed in this Court. Any determination concerning whether a filing fee shall be applicable to this case shall be made by the transferee court. Any and all pending motions in this case are hereby deferred to the transferee court.

Any future pleadings filed regarding this case should be filed in the above mentioned circuit court at 201 Southeast Sixth Street, Fort Lauderdale, Florida 33301.

A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



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Served:

AL LAMBERTI, SHERIFF
HON. HOWARD FORMAN, CLERK

ALPHONSO SMITH