Orig

SUPREME COURT OF FLORIDA

JAMES J. HAAG

PETITIONER,

vs. CASE NO. 77,132

STATE OF FLORIDA

RESPONDENT.

/

PETITIONER'S BRIEF ON THE MERITS

James J. Haag 104507
Union Correctional Institution
Post Office Box 221
Raiford, Florida 32083

PETITIONER IN PROPER PERSON

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CERTIFIED QUESTION

Does the rule 3.850 provision which states that with certain exceptions "no other motion shall be filed or considered pursuant to this rule if filed more than two years after the judgment and sentence become final" prevent consideration of such a motion which was turned over to prison authorities for mailing within the prescribed time limit but was stamped in by the court clerk after that time period had run?

TABLE OF CITATIONS

OTHER AUTHORITIES

STATEMENT OF THE CASE AND FACTS

On October 7, 1986, the Circuit Court of the Seventeenth Judicial Circuit Court in and for Broward County entered a judgment of conviction for first degree felony murder after a jury trial. The petitioner was sentenced to a life sentence with a 25 year minimum mandatory term. The petitioner filed a timely notice of appeal on October 7, 1986.

The Florida Fourth District Court of Appeal affirmed the trial court's decision on September 30, 1987, Haag v. State, 513 So.2d 244 (Fla. 4th DCA 1987). A Federal Habeas Corpus was filed based on the constitutionality of the charging statute which was later denied by the United States District Court, Southern District of Florida, Miami.

The petitioner filed a motion for post conviction relief pursuant to Rule 3.850, Fla.R.Crim.P. in the trial court on October 11, 1989 which was denied based solely on timeliness on February 6, 1990. A timely notice of appeal was filed in the Fourth District Court of appeal which affirmed the lower court's decision on December 12, 1990. However, the Fourth District Court of Appeal certified to this Honorable Court, as one of great public importance, the certified question herein.

This PETITIONER'S BRIEF ON THE MERITS follows.

SUMMARY OF ARGUMENT

The Fourth District Court of Appeal certified the subject question herein as one of great public importance to this Honorable Court. The question involves the determination of the exact moment in time that an indigent pro se prisoner's court-destined legal pleadings should be considered "filed" with the court.

The U.S. Supreme Court as well as the Federal Rules of Appellate Procedure have long ago settled this question in favor of prisoners in that the bright line rule dictates that the moment the pro se prisoner hands over to prison officials, his court-bound pleadings, those pleadings shall be considered "filed" with the court. Otherwise, an inherent conflict exists since the government is most often the opposing party in pro se prisoner litigation.

Florida case law is sparce on this subject and conflicting decisions currently exist between the Florida District Courts of Appeal as illustrated herein.

The Florida Administrative Code and Department of Corrections procedures are in force to facilitate remedy in compliance with United States Supreme Court authority.

I SUBSTANTIVE FACTS AND LAW

The subject Certified Question herein involves substantive and procedural due process as specifically provided for in the Sixth Amendment and made applicable to the state's procedure by the Fourteenth Amendment to the United States Constitution and all those corresponding provisions in the Florida Constitution.

The subject matter in the certified question at bar was first resolved by the United States Supreme Court on June 22, 1964, in a case originating in Florida, styled as Fallen v. United States,84 S.Ct. 1689, 378 U.S. 139 (1964), when that court established that an indigent pro se prisoner's court-bound pleadings shall be considered "filed" with the court at the very moment they are handed over to prison officials. Thus, the "bright-line" rule for the filing of prisoner's pleadings relative to court deadlines was established. The FALLEN Court recognized that prisoners are at a unique disadvantage in that they cannot "physically" walk into the courthouse on deadline day and file their pleadings; that prisoners lose all control over their legal mail destined for the courthouse once they deposit their mail with prison officials and those very officials whom are then in total custody and control of that legal mail are most often the prisoner's adverse opponent thusly creating an ominous, inherent conflict; that the mail takes a circuitous route from a most often remotely located

prison, through the prison's internal mail system, then the U.S. Postal Service, and finally the internal mail system at the courthouse; that many time-tolling court deadlines allow just a few days for preparation and response; that due to prisoner's lack of education and the circumstances of their confinement, they are ill equiped to perform legal work per se, much less perform with the high speed and efficiency required to produce meaningful pleadings to meet fast approaching court deadlines.

The entire Florida Department of Corrections legal assistance program (law library system) has a judgment against it pursuant to Hooks v. Wainwright, 536 F.Supp. 1330 (1982). The HOOKS court held that the DOC legal assistance program was woefully inadequate after a comprehensive in-depth analysis and determination pursuant to that system. The plan to remedy the inadequacies was rejected by the HOOKS court and in so doing, stated:

> "Plan proposed by the Secretary of Florida Department of Corrections did not insure constitutionally required meaningful access to courts for state prison population, more than half of whom were functionally illiterate, where the plan called for only establishment of seven "major" law libraries and 20 "minor" law libraries to be operated by inmate law clerks and staff librarians but did not provide for any assistance by counsel."

The United States Supreme Court, in Bounds v. Smith, 97 S.Ct. 1491, 430 U.S. 817 (1977), addressed the critical need of indigent pro se prisoners to have adequate law libraries and/or some form of legal assistance available to facilitate their constitutional right to access to the

courts. Yet, to this day, the Florida DOC' legal assistance program falls far short of the standards established by the HOOKS and BOUNDS courts. Consider, the Florida DOC includes over 127 facilities, yet only 20 of those facilities provide what is termed "minor" law libraries which is a sparce collection of state law books with absolutely no federal law books. Only 7 DOC facilities provide what is termed "major" law libraries which include state and federal law books. The DOC provides a 40 hour "training course" which, ostensibly, serves to teach inmates to be "trained inmate law clerks" whose function it is to then assist the other inmates with their law work. The 44,000 Florida DOC inmates are thus served by a few dozen of these "trained inmate law clerks." The petitioner (HAAG) in the instant case is housed at Union Correctional Institution (UCI) where 1500 inmates (mostly life sentences) are housed, no more than five(5) of these "trained inmate law clerks" function to assist the 1500 UCI inmates of which the vast majority are retarded and/or mental patients.

In light of all of the above circumstances, it is abundantly clear that, even if a pro se indigent prisoner is so fortunate to be among the 3 to 5 percent of the incarcerated persons who possess the abilities to produce meaningful pleadings under these most adverse circumstances, he is still at a considerable disadvatage vis-a-vis his adversial counter-part as well as all other litigants in free society. Thus, the prisoner/ litigant is held to a much higher standard simply to maintain the status quo in quest of a "level playing field." This is contrary to well settled

United States Supreme Court decisions that have dictated over and over that pro se prisoners shall be held to less stringent standards. See,e.g., Haines v. Kerner, 404 U.S. 519, 92 S.Ct. 594 (1972); Boag v. MacDougall, 454 U.S. 364, 102 S.Ct. 700 (1982); Code v. Montgomery, 725 F.2d 1316 (11th.Cir.1984); Chamberlain v. Ericksen, 744 F.2d 628 (8th.Cir.1985).

The Florida Rules of Court include numerous exceptions to provide for some leeway margins of time when pleadings are filed by mail (See, Section III herein). The Federal Rules of Appellate Procedure has addressed this question and subsequently provided a remedy for indigent pro se litigants in that the "bright-line" rule is now clearly stated, "a prisoner's pro se pleadings are considered 'filed' at the moment of delivery to prison authorities for forwarding to the district court." F.R.A.P., Rule 4(a)(1). Yet, Florida, with over 44,000 inmates in its prison system has not yet addressed this critical question in its rules of court. As a result, massive congestion in the Florida court system can be attributed, in part, to this singular problem in that large numbers of inmates inundate courts and court clerks with hordes of needless communications, motions for enlargements of time prompted by fears that unforseen mailing delays will default a party, and all the cases such as the instant case which is needlessly litigating a question of a few days mailing delays even though U.S. Supreme Court authority clearly dictates the pleadings should have been considered timely.

The United States Supreme Court, once again, addressed this important question and re-established the "bright-line" rule in its 1988 decision in Houston v. Lack, 108 S.Ct. 2379 (1988), wherein the court determined, in pertinent part:

> "We conclude that the analysis of the concurring opinion in FALLEN applies here and that petitioner thus filed his notice within the requisite 30-day period when, three days before the deadline, he delivered the notice to prison authorities for forwarding to the District Court. The situation of prisoners seeking to appeal without the aid of counsel is unique. Such prisoners cannot take the steps other litigants can take to monitor the processing of their notices of appeal and to ensure that the court clerk receives and stamps their notices of appeal before the 30-day deadline. Unlike other litigants, PRO SE prisoners cannot personally travel to the courthouse to see that the notice is stamped "filed" or to establish the date on which the court received the notice. Other litigants may choose to entrust their appeals to the vagaries of the mail and the clerk's process for stamping incoming papers, but only the PRO SE prisoner is forced to do so by his situation. And if other litigants do choose to use the mail, they can at least place the notice directly into the hands of the United States Postal Service(or a private express carrier); and they can follow its progress by calling the court to determine whether the notice has been received and stamped, knowing that if the mail goes awry they can personally deliver notice at the last moment or that their monitoring will provide them with evidence to demonstrate either excusable neglect or that the notice was not stamped on the date the court received it. PRO SE prisoners cannot take any of these precautions; nor,by definition, do they have lawyers who can take

> these precautions for them. Worse, the PRO SE prisoner has no choice but to entrust the forwarding of his notice of appeal to prison authorities whom he cannot control or supervise and who may have every incentive to delay. No matter how far in advance the PRO SE prisoner delivers his notice to the prison authorities, he can never be SURE that it will ultimatey get stamped "filed" on time. And if there is a delay the prisoner suspects is attributable to the prison authorities, he is unlikely to have any means of proving it, for his confinement prevents him from monitoring the process sufficiently to distinguish delay on the part of prison authorities from slow mail service or the court clerk's failure to stamp the notice on the date received. Unskilled in law, unaided by counsel, and unable to leave the prison, his control over the processing of his notice necessarily ceases as soon as he hands it over to the only public officials to whom he has access-the prison authorities-and the only information he will likely have is the date he delivered the notice to those prison authorities and the date ultimately stamped on his notice." [emphasis added]

This petitioner urges this Honorable Court to recognize the above analysis exerpt as the most comprehensive documentation in the annals of juris prudence pursuant to this most crtical question. The above passage is a meticulous, unambiguous, and punctilious articulation of the perplexing dilemma indigent pro se prisoners are confronted with in attempting to facilitate meaningful litigation.

A recent Federal decision emphasized the important HOUSTON requirement that all out-going legal mail be recorded in the prison legal mail log book. The court in Miller v. Sumner, 910 F.2d 638 (9th Cir.1990), stated:

> "HOUSTON holds that a prisoner whose PRO SE habeas petition has been denied will be deemed to have filed his notice of appeal at the time he submits it to the prison authorities for mailing, rather than the date of receipt by the clerk. The Court adopted this limited exception to a strict "filing" requirement because the PRO SE prisoner has no choice but to entrust the forwarding of his notice of appeal to prison authorities whom he cannot control and whose interests might be adverse to his. However, this holding was premised on the assumption that '[t]he pro se prisoner does not anonymously drop his notice of appeal in a public mailbox-he hands it over to prison authorities who have well developed procedures for recording the date and time at which they receive papers for mailing and who can readily dispute a prisoner's assertations that he delivered the paper on a different date." 487 U.S. 266, 275,108 S.Ct. 2379, 2385. [emphasis added]
>
> "For the exception to filing requirements for PRO SE prisoner appeals to apply, the notice must be posted through the prison log system. This is the only way to avoid uncertainty, and chicanery."

The Florida DOC functions in strict conformity to the above recording requirement as demonstrated in FAC Rule 33-3.005(8). [See, Section II herein for more] Petitioner HAAG in the instant case fully complied with all of the above legal mail log book recording requirements as was completely demonstrated in the lower courts.

This Honorable Court set the standard for granting belated appeals in the landmark decision of Baggett v. Wainwright, 229 So.2d 239 (Fla. 1970) which has the same interplay pursuant to the right of review being frustrated by state action. That similarity was eloquently illustrated in Clifford v. State infra, in which that court stated:

> "The BAGGETT principle has been applied to appeals from orders disposing of 3.850 motions. State ex rel. Shevin v. District Court of Appeal, Third District, 316 So.2d 50 (Fla. 1975); O'Malley v. Wainwright, 237 So.2d 813 (Fla. 2nd DCA 1970). It has not heretofore been applied to the filing of a 3.850 motion itself, but until recently that rule did not contemplate any sort of time limitations except the expiration of the sentence under attack or the possible application of laches. Simmons v. State, 485 So.2d 475 (Fla. 2nd DCA 1986). There is no rational basis for granting belated appellate review of a 3.850 motion whenever state action has interfered with the timely filing of that appeal, and not extending the same protection to the 3.850 proceeding itself."

The CLIFFORD court went on to explicate their concurrence with the HOUSTON court in that CLIFFORD was a quintessential HOUSTON scenario insofar as the mailing/filing issue [See, Section II herein for more]. Petitioner HAAG in the instant cause, possessed the exact same mailing/filing factual circumstances as did CLIFFORD and HOUSTON excepting the fact that HAAG was denied relief in the lower courts and CLIFFORD and HOUSTON were granted their constitutional right to due process.

Prior to the Florida Fourth District Court of Appeal granting Petitioner Haag's request for certification of the instant question to this Honorable Court, the Fourth District Court denied relief on the very same question in Ruggirello v. State 566 So.2d 30 (Fla.4th.DCA 1990) with the dissenting opinion of the Honorable Justice Anstead who stated:

> "The trial court denied appellant's petition because it was untimely filed. The appellant's pleadings were placed in the hands of state prison authorities well in advance of the required filing date but were not date-stamped into the clerk's office until after the filing deadline. I would follow the rule of the federal courts and allow the date of delivery to prison officials to control. See, Fallen v. United States, 378 U.S. 139, 84 S.Ct. 1689, 12 L.Ed.2d 760 (1964); Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988). [emphasis added]

This Petitioner respectfully submits to this Honorable Court that Justice Anstead was absolutely correct in his analysis and determination above, thus the Fourth District Court of Appeal was but one vote shy, in RUGGIRELLO, to concur with the United States Supreme Court in FALLEN and HOUSTON. Unfortunately, the holding in RUGGIRELLO, no doubt controlled the same court's subsequent decision in HAAG, although the Court, at this juncture, had the foresight to certify this crucial question to this Honorable Court for final determination.

The Fourth District Court of Appeal in Petitioner Haag's direct appeal, issued a mandate in Haag v. State, 513 So.2d 244 (4th.DCA 1987) on October 16, 1987, hence, two years forward would set the deadline date for the Rule 3.850 motion at October 16, 1989. On October 11, 1989, Petioner Haag had his 3.850 motion notarized by prison officials and handed all the documents over to the prison officials who entered Haag's out-going legal mail in the official prison legal mail log book as required by FAC 33-3.005(8) and subsequently deposited them with the U.S. Postal system. For reasons unknown to this Petitioner, the subject legal mailing was not time-date stamped by the clerk of court until October 20, 1989. The trial court, the Seventeenth Judicial in and for Broward County,finally denied Haag's Rule 3.850 motion based solely on untimeliness. This Petitioner respectfully submits that the above denials are contrary to FALLEN, HOUSTON, and the companion decisions on this issue. The proper procedures are in force by the Florida DOC to facilitate the HOUSTON requirements in that FAC provides the mechanism which ensures that prisoner's court-bound mail is logged into the official prison legal mail log book and immediately thereafter is deposited into the U.S. Mail system thereby averting any question as to exactly when the legal pleadings were turned in by the prisoner for mailing/filing with/to the court.

Accordingly, this petitioner respectfully submits to this Honorable Court that a determination should be made that when an indigent pro se prisoner deposits his court-destined legal mail with prison officials who are duty-bound to explicitly record such transactions, that that is the very moment in time that those pleadings are considered "filed" with the court.

II FLORIDA ADMINISTRATIVE CODE

The Florida Department of Corrections (DOC) daily administrative functions are governed by the Florida Administrative Code (FAC) which explicitly describes the duties, functions, and procedures the DOC staff members are to follow. All law library, notarization, and legal mail duties and procedures are spelled out in detail in the FAC. Each DOC institution also issues its own Institutional Operating Procedures (IOP) which must be consistent to the superior and controlling FAC. Accordingly, the legal mail procedures are documented in two sets of rules.

Union Correctional Institution (UCI) IOP Rule number 90-4, Section 90-4.3(D)(2) states in pertinent part:

> "Inmates in the general population must sign up for notary service with their housing area control room on the evening before the scheduled day of service. This schedule for service is posted in the housing areas. The notary public will not accept any legal document until the inmate indicates he is ready for it to be mailed or forwarded. Legal documents prepared for mailing will be given to the Notary Public for posting"

The corresponding applicable FAC Rule number 33-3.005(8) states in pertinent part:

> "The Superintendent shall designate one or more employees who are Notaries Public to notarize legal material which inmates offer for notarization. Each document presented by an inmate for

> notarization and mailing which legally requires notarization shall be notarized and mailed immediately, subject to the following conditions:
>
> (a) The inmate shall submit the document to such an employee and the employee shall:
>
> (1) Either ascertain that the inmate can read and that he has read the document and understands the same; or in the alternative, shall read the document to the inmate and ascertain that he understands the contents.
>
> (2) Such employees shall not accept any document for notarization until the inmate indicates that he is ready for it to be mailed or forwarded. The employee is not required to notarize the inmate's file copy of the document."

In Clifford v. State, 513 So.2d 772 (2nd.DCA 1987), the court did address the issue of prison mailing procedue as it relates to FAC, wherein the court stated:

> "We turn, therefore, to Clifford's argument that his right of review was frustrated by state action. He alleges that he had his documents notarized and that he withdrew the necessary funds for postage from his inmate account on May 19, 1987 'with the understanding that all documents would be mailed on this date.' Rule 33-3.005(8) Florida Administrative Code, requires that prisons furnish inmates with notaries public whenever the services of a notary are necessary for the preparation of legal documents, and that such documents are to be notarized and mailed 'immediately.' As of May 19 Clifford would have had three weekdays within which to FILE (not mail) the motion. It is his opinion that there still was, at this juncture, 'ample time' for the trial court to receive the pleadings. However, as a prison inmate he 'loses all control of... notarized documents.'

> from this point onward 'due to the institution's policy of keeping those documents.'
>
> Prison personnel may fall within the class of state agents whose interference with the timely processing of an appeal cannot foreclose the defendant from having his conviction reviewed. Walker v. Wainwright, 303 So.2d 321 (Fla.1974); Dennis v. State, 231 So.2d 230 (Fla.2nd.DCA 1970).

Accordingly, the petitioner contends the above facts and authority clearly demonstrate the duties, functions, and procedures that must be followed by DOC staff members relative to processing and handling prisoners out-going legal mail which is destined for filing with the court. All out-going legal mail must be logged in to the out-going prison legal mail log book which will serve as probative evidence as to the actual date the subject mail was turned over to prison officials by the prisoner and subsequently came into the custody and control of prison officials whose mandated duty it is to "immediately" process the subject mail into the U.S. Postal system. Thus, the FAC/DOC rules and procedures are in place to ensure any particular prisoner's claim of an out-going mailing date is, in fact, authentic.

III FLORIDA RULES OF COURT

Federal Rules of Appellate Procedure, Rule 4(a)(1),28 U.S.C.A. explicitly addresses the question of the date prisoner's legal mail shall be deemed "filed" with the court. The above rule states, in pertinent part: "..."filed" at moment of delivery to prison authorities for forwarding to district court."

However, the Florida Rules of Court, while providing for grace periods for mailing delays in numerous circumstances, do not expressly address the question of whether or not an indigent pro se prisoner's legal mail destined for the court is entitled to the same grace periods that many other categories of litigants enjoy, notwithstanding the fact that the indigent pro se prisoner is in a class which is at the greatest disadvantage insofar as ability to produce and deliver timely pleadings to court.

The following provisions for mailing delay grace periods as variously provided for by Florida Rules of Court in pertinent part as set forth as follows: (A) Florida Rules of Criminal Procedure, Rule 3.030(b):

"service by mail shall be deemed complete upon mailing"

(B) Florida Rules of Criminal Procedure, Rule 3.070:

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period..."
"...by mail,3 days shall be added to the prescribed period."

(C) Florida Rules of Appellate Procedure, Rule 9.420(c):

"service by mail shall be complete upon mailing"

(D) Florida Rules of Appellate Procedure, Rule 9.420(d):

"...by mail, five days shall be added to the prescribed period."

Accordingly, the above Florida Rules of Court clearly show the judicial and legislative intent as well as the purpose and the spirit of the law in Florida as to a mere few days leeway grace period for all sorts of mailing delays is to afford all litigants, much less impoverished pro se prisoners, a fair and reasonable margin of time to accomodate the inevitable mail delays which are beyond the control of all litigants.

CONCLUSION

WHEREFORE, by rationale stated hereinabove, amply supported by law and fact, Petitioner contends he has demonstrated sufficient grounds to show this Honorable Court that the subject question certified as one of great public importance should be determined by this court in the negative. That substantive due process standards require resolution of the certified question in the petitioner's favor as illustrated herein. That significant judicial economy will result in that massive congestion in the Florida Court system will be diminished by way of reducing duplicitous communications with courts and court clerks, quell the flood of motions for enlargements of time and other needless litigation caused by mailing delay defaults, all of which are consistently generated by Florida's 44,000 DOC inmates. That the court-bound mailing circumtstances are identical as those of Federal prisoners for which the nation's highest court provided remedy by judicial decision and rules of court promulgation. That an answer in favor of petitioner will be of immense benefit for Florida's 44,000 DOC prisoners, DOC personnel and courthouse staff and will relieve administrative and financial burdens in the judicial and DOC systems of Florida. That a decision in favor of the petitioner will not prejudice any opposing party in meritorious litigation. As a perpetual remedy, petitioner contends this Honorable Court should incorporate a favorable decision herein with an amendment, at the instance of any justice, on the court's own motion, to the Florida Rules of Court to correspond with the Federal Rules of Appellate Procedure, Rule 4(a)(1) which is the federal remedy for the identical

question on the federal level. Finally, this petitioner asserts justice is not served if an indigent pro se prisoner with an unlawful life sentence can be forever precluded from relief due to a minor error, delay, or other motivation by a DOC employee, a mail handler, or a courthouse worker which causes a day's delay in affixing the court clerk's time-date stamp to his pleadings for relief, which is the state of the law in Florida today.

Petitioner prays this Honorable Court will right that wrong with a favorable decision herein and remand this case to the lower court for consideration of the Petitioner's claims for relief.

This pleading was prepared for the petitioner by Next Friend and fellow inmate, Bradford L. Edwards 103984 under the doctrine of Johnson v. Avery, 393 U.S. 483, 89 S.Ct. 747 (1969). Accordingly, Petitioner seeks this Honorable Court's indulgence in viewing the pleadings with less stringent standards. See,e.g., Haines v. Kerner supra; Code v. Montgomery supra; Boag v. MacDougall supra.

It Is So Prayed.

RESPECFULLY SUBMITTED BY:

James J. Haag 1-16-91

James J. Haag 104507
Union Correctional Institution
P.O. Box 221 - 67/113
Raiford, Florida 32083

Petitioner, In Proper Person

SWORN AND SUBSCRIBED TO BEFORE ME on this 16th day of January, 1991.

Cynthia M. Nelson

NOTARY PUBLIC

Notary Public, State of Florida
My Commission Expires Nov. 5, 1993
Bonded Thru Troy Fain - Insurance Inc.

JURAT

STATE OF FLORIDA

SS

COUNTY OF UNION

BEFORE ME NOW, the undersigned authority appeared, JAMES J. HAAG, who being first duly sworn, says that he is the above Petitioner and herein Movant; he has now read this pleading and has personal knowledge of those facts and matters herein set forth, and that each and every fact and matter pled herein is true and correct.

FURTHER, AFFIANT SAITH NAUGHT.

James J. Haag 1-16-91

James J. Haag 104507, AFFIANT
Union Correctional Institution
Post Office Box 221
Raiford, Florida 32083

Petitioner, In Proper Person

SWORN AND SUBSCRIBED BEFORE ME this 16th day of January, 1991.

Cynthia M. Nelson

NOTARY PUBLIC

Notary Public, State of Florida
My Commission Expires Nov. 5, 1993
Bonded Thru Troy Fain - Insurance Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing PETITIONER'S BRIEF ON THE MERITS has been furnished via United States Postal Service to:

Office of Attorney General
Robert A. Butterworth
The Capitol
Tallahassee, Florida 32399-1050

on this the 16 day of January, 1991.

SUBMITTED BY:

James J. Haag

James J. Haag 104507
Union Correctional Institution
Post Office Box 221
Raiford, Florida 32083

Petitioner, In Proper Person

SWORN AND SUBSCRIBED BEFORE ME
this 16th day of January, 1991.

Cynthia M. Nelson

NOTARY PUBLIC

Notary Public, State of Florida
My Commission Expires Nov. 5, 1993
Bonded Thru Troy Fain - Insurance Inc.