

Supreme Court of Florida

THURSDAY, AUGUST 29, 2019

CASE NO.: SC18-2081

Lower Tribunal No(s).:

352011CF000105AXXXXX

DONALD OTIS WILLIAMS

vs.

STATE OF FLORIDA

Petitioner(s)

Respondent(s)

Petitioner has submitted what is styled an all writs petition, seeking to compel the trial court to include him in certain proceedings and to rule on pending motions, and related pleadings. This case is hereby transferred to the Fifth District Court of Appeal for consideration as a mandamus proceeding. The transferee court shall treat the petition and related pleadings as if it had been originally filed there on the date it was filed in this Court. Any determination concerning the timeliness of this appellate proceeding shall be made by the transferee 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 district court at 300 South Beach Street, Daytona Beach, Florida 32114.

CANADY, C.J., and POLSTON, LAWSON, LAGOA, LUCK, and MUÑIZ, JJ.,
concur.

LABARGA, J., concurs in result with an opinion.

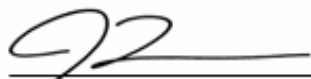
NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND,
IF FILED, DETERMINED.

LABARGA, J., concurring in result.

Based upon the unique facts and circumstances presented by this case, I concur with the decision of the majority to transfer this matter to the Fifth District Court of Appeal. However, I wish to emphasize that my decision in this specific case should not be interpreted as a change in my view with respect to this Court's longstanding precedent governing our jurisdiction over capital cases. *See State v. Fourth Dist. Court of Appeal*, 697 So. 2d 70, 71 (Fla. 1997) (“[W]e now hold that in addition to our appellate jurisdiction over sentences of death, we have exclusive jurisdiction to review all types of collateral proceedings in death penalty cases. *This includes cases in which this Court has vacated a death sentence and remanded for further penalty proceedings.*” (emphasis supplied)).

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



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Served:

DOUGLAS T. SQUIRE

DONALD OTIS WILLIAMS

HON. MARK JAY HILL

HON. GARY J. COONEY, CLERK

HON. JOANNE P. SIMMONS, CLERK

HUGH DEAN BASS, JR.