

IN THE FLORIDA SUPREME COURT
500 South Duval Street
Tallahassee, Fl. 32399

PROVIDED TO COLUMBIA CORRECTIONAL INSTITUTION

ON 5/23/17 (DATE) FOR MAILING

AS (STAFF INITIAL) YHG (JIM INITIAL)

Levory W. Hickman,
Petitioner,

V.

Case No:

State of Florida,
Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

FILED

JOHN A. TOMASINO

MAY 26 2017

CLERK, SUPREME COURT

BY

Comes Now, the Petitioner Levory W. Hickman pursuant to Fla. R. App. P. 9.100(A) and Section 79.01 Fla. St. and petitions this Honorable Court for a Writ of Habeas Corpus where Petitioner is detained without lawful authority in violation of the Florida and U.S. Constitution. In support thereof, the Petitioner states:

I. Basis for invoking Jurisdiction

This court has jurisdiction to issue a Writ of Habeas Corpus under Article V, Section 4(b) (3) of the Florida Constitution and the Petitioner is barred from filing in the 18th and 5th District Court of Appeal. (See) Court Order.

II. State of Facts

(2) The Petitioner was charged with Aggravated Fleeing and Eluding Police with Lights and Sirens activated on September 16th, 2002 in Seminole County Case No: 02-CF-3627A.

(3) The case went approximately 2 years without being prosecuted and the Petitioner was denied his right to Attorney during this time period in violation of the 6th Amendment, U.S. Constitution.

(4) ON or about December 2nd, 2005 after being released from custody, the Petitioner received a notice to appear in Court for Docket Sounding by Judge Alan A. Dickey.

(5) Around December 15th, 2005, the Petitioner appeared in Court at the Seminole County Jail where instead of a Docket Sounding, Judge Dickey held a hearing to determine that the Petitioner had waived his right to counsel.

(6) At this unfair hearing his right to counsel adverse testimony from 5 of the Petitioner's prior attorney without them being cross examined or confronted because Judge Dickey knowingly deprived the Petitioner his right to counsel at this hearing.

(7) Judge Alan A. Dickey flatly ruled that the Petitioner had waived his right to counsel and refused to appoint standby counsel during the mist of a conflict of

interest. (See) Exhibit, copy of Civil Rights Complaint filed against the 18th Judicial Circuit and 5th District Court of Appeal.

(8) The Petitioner was convicted of all charges where Judge Alan A. Dickey denied the Petitioner his right to a compulsory process for obtaining witness in violation of the Florida Constitution during the Midst of a Conflict of Interest.

(see) Exhibit-----

(9) The Petitioner then appeared for sentencing without Counsel and requested Judge Dickey to appoint counsel or standby counsel and sentenced the Petitioner to 30 yrs. in prison as a Habitual Offender after he was offered 67 days in jail on these charges during the Midst of a Conflict of Interest. (See) Exhibits-----

(10) Judges of the 5th District Court of Appeal disregarded the laws that say the Petitioner's conviction and sentence should be reversed because of the errors and constitutional violations committed by Judge Alan A. Dickey during the Midst of a Conflict of Interest. (See) Exhibit, copy of civil case filed a Habeas Corpus to correct the injustices has received and the 5th District Court of Appeal issue an order barring the Petitioner from filing in the 18th Judicial Circuit and 5th District Court of Appeals. (See) Exhibits-----attached (Note) it appear that Judges in the 18th Judicial Circuit have a personal vendetta against the Petitioner Levory W. Hickman.

Relief Sought

The Petitioner seeks to have his unlawful conviction vacated and his cause be heard and adjudicated in a forum where no Conflict of Interest exist.

Argument

The Petitioner contends he has an absolute Constitutional Right to have his cause heard and adjudicated by a forum where no conflict of interest exist and the Judges do not have a vested interest in th outcome of the proceeding (See) 14th Amendment U.S. Constitution.

Since a Conflict of Interest existed between the Petitioner and 5th District Court of Appeal issue an order barring the Petitioner from filing in the 18th Judicial Circuit and 5th District Court of Appeal at the time they issued their bias orders the court should issue a Writ Vacating those orders and have the Petitioner released from custody, and the case be transferred to a neutral tribunal whom no conflict of Interest exists where Judge are non-bias and fair.

V. OATH

I Hereby under penalties of perjury states that all facts stated in this petition for Writ of Habeas Corpus are true and correct.


/s/ 
Levory W. Hickman

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Postconviction motion has been furnished via U.S. Postal Service to:

(1) Attorney General Office, The Capital PL01 Tallahassee, Florida 32399

by hand delivery to prison authorities on this 23 day of May,
2017.

/s/ 
Levory W. Hickman, DC 746479
~~Charlotte Correctional Institution~~
~~33123 Oil Well Rd.~~
~~Punta Gorda, Fl. 33955~~

**U.S. District Court
Middle District of Florida (Orlando)
CIVIL DOCKET FOR CASE #: 6:06-cv-00356-ACC-DAB
Internal Use Only**

Hickmon v. 18th Judicial Circuit Court, et al
Assigned to: Chief Judge Anne C. Conway
Referred to: Magistrate Judge David A. Baker
Cause: 42:1981 Civil Rights

Date Filed: 03/21/2006
Date Terminated: 03/31/2006
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Levory W. Hickmon

represented by **Levory W. Hickmon**
P.O. Box 415
Clarcona, FL 32710-0415
PRO SE

V.

Defendant

**18th Judicial Circuit Court in and for
Seminole County, Florida**

Defendant

**Fifth District Court of Appeals of
Florida**

EXHIBIT

Date Filed	#	Docket Text
03/21/2006	<u>1</u>	CIVIL RIGHTS COMPLAINT filed by Levory W. Hickmon.(RDO) (Entered: 03/21/2006)
03/21/2006	<u>2</u>	AFFIDAVIT OF INDIGENCY/MOTION for leave to proceed in forma pauperis by Levory W. Hickmon. (RDO) (Entered: 03/21/2006)
03/23/2006	<u>3</u>	REPORT AND RECOMMENDATION re <u>2</u> MOTION for leave to proceed in forma pauperis filed by Levory W. Hickmon.It is recommended that the application be denied and the action be dismissed. Signed by Judge David A. Baker on 3/23/2006. (ESC) (Entered: 03/23/2006)
03/28/2006	<u>4</u>	OBJECTION to <u>3</u> Report and Recommendations by Levory W. Hickmon. (LV) (Entered: 03/28/2006)
03/31/2006	<u>5</u>	ORDER denying <u>2</u> Motion for leave to proceed in forma pauperis, adopting Report and Recommendations re <u>3</u> , dismissing case . Signed by Judge Anne C. Conway on 3/31/2006. (Conway, Anne) (Entered: 03/31/2006)
04/04/2006	<u>6</u>	NOTICE OF APPEAL as to <u>5</u> Order on motion for leave to proceed in forma pauperis, Order on report and recommendations by Levory W. Hickmon.

		Filing fee not paid. (VEF,) (Entered: 04/04/2006)
04/05/2006		TRANSMITTAL of initial appeal package to USCA consisting of certified copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re <u>6</u> Notice of appeal. (VEF,) (Entered: 04/05/2006)
04/13/2006		ACKNOWLEDGMENT by USCA of receiving Appeal Package on 4/7/06 re <u>6</u> Notice of appeal. USCA number: 06-12103-A. (VEF,) (Entered: 04/13/2006)
04/26/2006	<u>7</u>	MOTION for Leave to Appeal in forma pauperis (VEF,) (Entered: 04/26/2006)
04/28/2006	<u>8</u>	REPORT AND RECOMMENDATION re <u>7</u> MOTION for Leave to Appeal in forma pauperis. Signed by Judge David A. Baker on 4/27/2006. (ESC) (Entered: 04/28/2006)
05/05/2006	<u>9</u>	OBJECTION to <u>8</u> Report and Recommendations by Levory W. Hickmon. (LV) (Entered: 05/08/2006)
05/13/2006	<u>10</u>	ORDER denying <u>7</u> Motion for Leave to Appeal in forma pauperis, adopting Report and Recommendations re <u>8</u> . Signed by Judge Anne C. Conway on 5/13/2006. (Conway, Anne) (Entered: 05/13/2006)
05/19/2006		Original Papers of RECORD on appeal sent to USCA re <u>6</u> Notice of appeal. Transmittal includes certified copy of docket sheet, volume of pleadings: 1, USCA number 06-12103-A (VEF,) (Entered: 05/19/2006)
05/30/2006		ACKNOWLEDGMENT by USCA of receiving Original Papers on 5/23/06 re <u>6</u> Notice of appeal. USCA number: 06-12103-A. (VEF,) (Entered: 05/31/2006)
06/28/2006	<u>11</u>	ORDER of USCA EOD 6/26/06 denying the Motion for IFP as to <u>6</u> Notice of appeal filed by Levory W. Hickmon, USCA number: 06-12103-A. (VEF,) (Entered: 06/29/2006)
08/04/2006	<u>12</u>	ORDER of USCA EOD 8/2/06, denying the motion for reconsideration of it's Order dated 6/26/06 and denying the IFP as to <u>6</u> Notice of appeal filed by Levory W. Hickmon, USCA number: 06-12103-A. (VEF,) (Entered: 08/04/2006)
08/30/2006	<u>13</u>	Clerk's Entry of Dismissal (Certified Copy) issued as the MANDATE of USCA as to <u>6</u> Notice of appeal filed by Levory W. Hickmon, EOD 08/28/06 USCA number: 06-12103-A. (LCH) (Entered: 08/31/2006)

LeVory W. Hickman 746479
Columbia Correctional Institution
216 S.E. Corrections Way
Lake City, Florida 32025

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Florida Supreme Court
MAY 26 2017

CLEARED

Florida Supreme Court
500 South Duval Street
Tallahassee, Florida 32399

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