

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA**

ANTHONY W. BROOM,
Petitioner,

vs.

Case No.: 53-2013-CA-004721

**SCOTT CREWS, Warden, Mayo
Correctional Institution Annex, and
STATE OF FLORIDA,**
Respondents.

MOTION FOR REHEARING

ANTHONY W. BROOM, *in propria persona*, respectfully requests this Honorable Court to issue a rehearing for its “ORDER TRANSFERRING PETITIONER TO FELONY DIVISION AND ORDER DENYING PETITIONER’S MOTION TO TRANSFER ACTION” issued on the October 24, 2013. However, to address the facts and manner of Petitioner’s Motion to Transfer Action of Case No.: 2013-CA-004721; pursuant to Lafayette County’s Habeas Corpus Case No.: 2013-147-CA, this Court has **overlooked** and/or **misapprehended** the following:

1. This Court’s Order filed October 24, 2013, Case No.: 53-2013-CA-004721 has completely **misapprehended** Petitioner’s Complaint for Writ of Habeas Corpus originally filed in Lafayette County on the August 14, 2013, **or**, this Court has intentionally invoked an incorrect remedy in Order to unlawfully deny Petitioner’s legal actions to have his FRAUD Complaint addressed. The FRAUD that was perpetrated

by the Assistant State Attorney (ASA) Hardy O. Pickard on the trial court and the grand jury, but never informed the grand jury, the court and the defense of such that the ASA knew to be FRAUD causing everything that followed to be a nullity and void as such jurisdiction of the trial court was not legally invoked.

2. This Court has clearly **overlooked** Petitioner's FRAUD complaint. Petitioner's Complaint for Writ of Habeas Corpus originally filed in the correct county of Lafayette does not and is not, ("challenging his underlying judgment and sentence in Case No.: CF81-001860A1-XX on the basis of newly discovered evidence," as this Court has **misapprehended**, in order for this Court to yet again sidestep the FRAUD that has been perpetrated by the ASA in this case.

3. This Court has further **misapprehended**, "that the Petitioner's Petition should have been filed in the Felony Division in Case No.: CF81-001860A1-XX as a Motion for Postconviction Relief, based on newly discovered evidence, pursuant to Rule 3.850, Fla. R. Crim. P." Because this Court is **overlooking** the FRAUD issue(s) raised in the arrest and indictment – judgment cannot stand where jurisdiction of the trial court was not properly invoked. That is, a court without authority to adjudicate a matter has no jurisdiction, *e.g.*, a court of limited jurisdiction has no power to try a murder indictment and its judgment therein would be void and of no effect because it lacks subject matter jurisdiction.

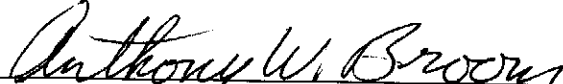
4. Furthermore, the Court states, "Because it is appropriate to consider the

Petitioner's Petition as a Motion for Postconviction Relief, his request to transfer the matter back to the Third Judicial Circuit as a Petitioner for Writ of Habeas Corpus has no legal merit." Again this Court is **misapprehending** the Petitioner's issue is FRAUD, NOT what this Court wants to make the issue (newly discovered evidence for 3.850 relief) so it can yet again unlawfully deny Petitioner's attempt to obtain justice, further denying due process of law.

This Court is **overlooking** the fact that once FRAUD was perpetrated by State Action at the First appearance Hearing and Indictment through the ASA, the judgment cannot stand where jurisdiction of the trial court was thwarted by not being legally invoked. This Court should grant this Rehearing and Strike and/or Recall its October 24, 2013 Order and Grant Petitioner's relief requested in his complaint for Writ of Habeas Corpus, and his Motion to transfer Action filed September 13, 2013 with this Court.

Furthermore, a Complaint for Writ of Habeas Corpus is to be addressed and resolved in an expedited manner. Therefore, justice delayed as in this cause is justice denied. Return Petitioner's case to Lafayette County Court, which has jurisdiction to rule.

Respectfully Submitted,

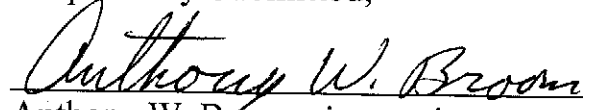

Anthony W. Broom, *in propria persona*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document was placed in the hands of Mayo Correctional Institution Annex officials for mailing,

via U.S. Mail, to: The Office of the State Attorney – Jerry Hill, 255 N. Broadway Avenue, P.O. Box 9000 – Drawer SA, Bartow, FL. 33831 on this 1 day of November, 2013. Pursuant to the Mailbox Rule, this document is timely filed.

Respectfully Submitted,



Anthony W. Broom, *in propria persona*

DC#: 081443 / E2108L

Mayo Correctional Institution Annex

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Mayo, Florida 32066