

IN THE CIRCUIT COURT
OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY
STATE OF FLORIDA

ERNIE LEE MAGAHA
CLERK OF CIRCUIT COURT
ESCAMBIA COUNTY, FL

2010 JUN -2 P 2:50

CIRCUIT CIVIL DIVISION
FILED & RECORDED

HAROLD L. TURNER,

Petitioner,

vs.

FLORIDA PAROLE COMMISSION,

Respondent.

Case No.: 2010 CA 001173
Division: C

ORDER TRANSFERRING DEFENDANT'S *PRO SE*
"PETITION FOR WRIT OF HABEAS CORPUS"

THIS CAUSE is before the Court on Defendant's *pro se* "Petition for Writ of Habeas Corpus," filed April 19, 2010.

In the instant pleading, Defendant requests that the Court issue a writ of habeas corpus, predicated on the fact that he should not have been subject to conditional release; hence, he alleges that his present incarceration due to a violation of conditional release is unlawful.

It is well settled that a petition for writ of habeas corpus is to be filed in the Circuit Court of the county in which the petitioner is being detained. See section 79.09, Florida Statutes. Because Petitioner is incarcerated outside the territorial jurisdiction of this Court, this Court lacks jurisdiction to entertain the instant petition for writ of habeas corpus. Gillard v. Florida Parole Commission, 784 So. 2d 1214 (Fla. 1st DCA 2001). Petitioner is incarcerated in Okaloosa County; hence, the Court finds that this cause should be transferred to the Okaloosa County Circuit Court.

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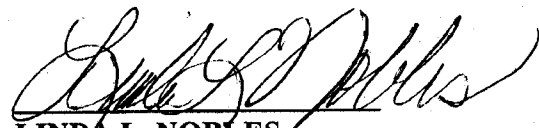
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Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Clerk of Court is **DIRECTED** to **TRANSFER** Defendant's "Petition for Writ of Habeas Corpus" to the Circuit Court in and for Okaloosa County, Florida.

The Clerk of Court is **DIRECTED** to transmit instanter all original pleadings and papers filed in this cause, a certified copy of all entries in the progress docket, and a copy of this Order to the Clerk of Court of the **First Judicial Circuit (Okaloosa County), Florida**. The Clerk of this Court is further **DIRECTED** to retain in the instant court file a complete copy all pleadings and papers transferred.

DONE AND ORDERED in Chambers at Pensacola, Escambia County, Florida, this

1st day of June, 2010.


LINDA L. NOBLES
CIRCUIT JUDGE

LLN/tgd

Copies to:

- ✓ -- Harold L. Turner, DC# 922604, Okaloosa Correctional Institution, 3189 Little Silver Rd., Crestview, FL 32539
- ✓ -- ASA, Division C, Office of the State Attorney

06-07-10 