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LIST OF CASES WON WITH ASSISTANCE OF PRISONER CONNECTIONS

(Current through September 2023)

- 71. David Johnston v. State, 2D23-13, 2023 WL 6321430, at *1 (Fla. 2d DCA Sept. 29, 2023)** Rule 3.850 summary appeal reversed for attachment of records conclusively refuting claim that trial attorney rendered ineffective assistance of counsel for failing to file a Motion for New Trial or for an evidentiary hearing. Worked under supervision of Attorney Brett McIntosh and Jacob Grollman in 3.850 proceedings and on appeal.
- 70. Ervin Wright v. State, No. 1D21-3873 (1DCA2022)** GRANTED BELATED APPEAL of denial of Motion for Postconviction Relief pursuant to Fla. R. Crim. P. 3.850 denied without proper notice. Worked under supervision of Attorney Peter Lombardo on both postconviction motion and petition seeking belated appeal.
- 69. Eric Jefferson v. State, No. 2D22-0158 (2DCA2022)** GRANTED BELATED APPEAL of denial of Motion for Postconviction Relief pursuant to Fla. R. Crim. P. 3.850 denied without proper notice. Worked under supervision of Attorney Brett McIntosh on both postconviction motion and petition seeking belated appeal.
- 68. John Atkinson, v. State, No. 2D21-3183 (2DCA2021)** GRANTED BELATED APPEAL of denial of Motion for Postconviction Relief pursuant to Fla. R. Crim. P. 3.850 denied without proper notice. Worked under supervision of Attorney Brett McIntosh on both postconviction motion and petition seeking belated appeal.
- 67. Cummings v. State, 310 So. 3d 155 (2DCA21)** PETITION GRANTED prohibiting State from prosecuting Aggravated Battery based on Stand-Your-Ground Immunity. Worked under supervision of Attorney Leland Taylor and Brett McIntosh.
- 66. State v. Deciesare, Sarasota County Case no. 19-CF-012141 (Dec. 2020)** GRANTED Motion to Reduce Sentence (3.800(c)). Worked under supervision of Attorney Peter Lombardo on motion that led to the reduction of Mr. Deciesare's 8-year prison sentence to 5-years.
- 65. State v. Bundrage, 286 So. 3d 259 (2DCA2019)** AFFIRMED the trial court's granting of our motion to suppress in this State appeal. Worked under supervision of Attorney Peter Lombardo in drafting the Answer Brief of Mr. Bundrage causing the win and allowing Mr. Bundrage to remain at liberty.
- 64. Aguilar v. State, 259 So. 3d 262 (2DCA2018)** REVERSED AND REMANDED FOR DISCHARGE. Worked under supervision of Attorney Brett McIntosh in drafting motion to suppress which was denied by circuit court. On appeal, the Office of the Public Defender argued in accordance with our motion to suppress causing the reversal and discharge from incarceration.
- 63. Peterson v. State, 264 So. 3d 1183 (2DCA2019)** REVERSED AND REMANDED FOR DISCHARGE. Worked under supervision of Attorney Brett McIntosh in drafting motion to suppress which was denied by circuit court. On appeal, the Office of the Public Defender argued in accordance with our motion to suppress causing the reversal and discharge from incarceration.

62. **Shannon v. State, 252 So. 3d 358 (2DCA2018)** REVERSED AND REMANDED FOR DISCHARGE. Worked under supervision of Attorney Brett McIntosh in drafting motion to suppress which was denied by circuit court. On appeal, the Office of the Public Defender argued in accordance with our motion to suppress causing the reversal and discharge from incarceration.
61. **Morejon-Medina v. State, 277 So. 3d 1118 (2DCA Aug. 14, 2019)** PETITION GRANTED on grounds of ineffective assistance of appellate counsel with instructions to vacate solicitation to meet minor for sex based on double jeopardy. Worked under supervision of Attorney Brett McIntosh in drafting petition.
60. **State v. Midkiff, Orange County No. 1996-CF-2991-A (Aug. 2019)** SENTENCE VACATED AND INMATE RELEASED. Worked under the supervision of Attorney Mark O'Mara in case involving specific performance of a plea agreement causing immediate release of Mr. Midkiff who had been incarcerated for 22 years at the time. **NOTE:** Mr. Baker trained Mr. Midkiff in the prison law library.
59. **Babic v. State, 276 So. 3d 82 (2DCA June 21, 2019)** 3.850 DENIAL REVERSED AND REMANDED with instructions to allow Mr. Babic to file an Amended PCM. Worked under Attorney Brett McIntosh's supervision in this case.
58. **State v. Johnson, Manatee, County No. 16-CF-2401 (July 9, 2019)** MOTION TO SUPPRESS based on unlawful delay caused State to reduce DUI charges to reckless driving. Worked under Attorney Brett McIntosh's supervision in drafting motion to suppress.
57. **State v. Theresa Cook, Manatee County No. 18-CT-1531 (Feb. 11, 2019)** MOTION TO SUPPRESS GRANTED based upon unreasonable delay of traffic stop and MOTION TO SUPPRESS GRANTED based on improper use of accident investigation statement for criminal prosecution. Ms. Cook's charges were dropped by the State. Worked under supervision of Attorney Brett McIntosh in drafting the motions to suppress.
56. **Bryant v. State, Pinellas County No. 1964-15223CFANO (Aug. 16, 2018)** LIFE SENTENCE VACATED and Mr. Bryant resentenced to 2-years of probation in this 1964 strong-arm robbery case Mr. Bryant participated in when he was 14-years of age. Mr. Baker worked under Attorney Brett McIntosh's supervision in this Atwell case. **NOTE:** Mr. Bryant trained Mr. Baker in the law library in 1993; 25-years later Mr. Baker assisted Mr. Bryant and counsel in winning Mr. Bryant's immediate release from prison after serving over 40-years.
55. **Garcia v. State, Manatee County No. 02-CF-01819 (Aug. 13, 2018)** DISMISSED violation of probation filed outside of probation term when defendant received proper credit for all time served. Worked under supervision of Attorney Brett McIntosh in drafting motion to dismiss.
53. **Moore v. State, No. 247 So. 3d 464 (2DCA June 15, 2018)** BELATED APPEAL GRANTED. Worked under Attorney Brett McIntosh's supervision in a case where the Order Denying Rehearing in 3.850 proceeding was not served upon defendant or counsel.
52. **Babic v. State, 241 So. 3d 793 (2DCA Apr. 26, 2018)** BELATED APPEAL GRANTED. Worked under Attorney Brett McIntosh's supervision in a case where the petition was not served notice of the denial of his post-conviction motion and almost 4-years had elapsed.
51. **State v. Ross, 209 So. 3d 606 (2DCA Dec. 9, 2016)** AFFIRMED IN PART State's appeal of dispositive suppression, we won on suppression in the home, but the court reversed the suppression of evidence found in car. Worked under Attorney Brett McIntosh's supervision.
50. **Newsome v. State, 199 So. 3d 510 (1DCA2016)** AFFIRMED W/O PREJUDICE TO FILE 3.850 worked under Sichta Law Firm seeking reversal of conviction with understanding that the primary issue was not preserved due to trial counsel error. We argued in a manner that although resulted in an affirmance, did secure directions guiding Newsome in seeking 3.850 relief from ineffective assistance of trial counsel.
49. **Malone v. State, 195 So. 3d 1184 (2DCA2016)** CERTIORARI GRANTED. Worked under Attorney Brett McIntosh's supervision and won dismissal of case on certiorari review.
48. **Guerra v. State, 92 So.3d 292 (5DCA2012)** IAAC PETITION GRANTED. Worked under Attorney Deana Marshall's supervision and won new trial on Montgomery issue.

NOTE: Win's numbered 1-47 were achieved during Mr. Baker's incarceration where he worked as a prison law clerk assisting other inmates in the researching, drafting and filing of their collateral motions and briefs in compliance with the rules of the Florida Department of Corrections.

47. **Montina v. State, 81 So.3d 594 (5DCA2012)** REVERSED: Denial of appointment of counsel in post-conviction proceeding was reversible error. Reversed for new evidentiary hearing.
46. **Oscar v. State, 45 So.3d 885 (3DCA2010)** AFFIRMED: Although the court affirmed the trial court's denial of our 3.850 on newly discovered evidence, decision gave good definition of sufficiency for affidavits of newly discovered witnesses and contained good dissenting opinion.
45. **State v. Baker, 8 So.3d 496 (2DCA09)** AFFIRMED: Mr. Baker won his own re-sentencing in Pinellas on predicate prior offense, see #33. State appealed on question of re-sentencing on already expired illegal sentence and lost. Mr. Baker handled the re-sentencing and appeal *pro se*.
44. **Bolhorst v. State, 983 So.2d 708 (5DCA08)** REVERSED 3.800A motion's denial for resentencing - split sentence VOP resentencing requires credit for supervision time towards new split sentence imposition.
43. **Vasquez v. State, 976 So.2d 1191 (2DCA08)** AFFIRMED: with recognition of defendant's right to re-file 3.850 motion without successive concerns.
42. **Ross v. Florida Parole Commission, 962 So.2d 1046 (1DCA07)** REVERSED: Mandamus appeal on issue of erroneous lien placement by Leon County on DR case was reversed for refund.
41. **Cason v. Crosby, 892 So.2d 536 (1DCA05)** REVERSED: Mandamus appeal on issue of erroneous lien placement by Leon County. This decision is controlling precedent applying the Schmidt v. Crusoe case to DR cases.
40. **Talley v. Crosby, 888 So.2d 708 (1DCA04)** PETITION GRANTED: Certiorari petition granted on Leon County's improper transfer prison DR mandamus to county of sentence.
39. **Vargas v. State, 902 So.2d 166 (3DCA04)** REVERSED; Based on Mr. Baker's belated direct appeal (see #36) where trial transcripts had been lost a new trial was deemed necessary and ordered.
38. **Nolan v. State, 881 So.2d 635 (5DCA04)** REVERSED: 3.850 motion's denial reversed on involuntary plea issue for further proceedings.
37. **Telfort v. Crosby, 851 So.2d 171 (3DCA03)** PETITION GRANTED: Habeas corpus for belated 3.800(a) appeal.
36. **Vargas v. Crosby, 847 So.2d 481 (4DCA03)** PETITION GRANTED: Habeas corpus for belated direct appeal.
35. **Suggs v. State, 845 So.2d 261 (2DCA03)** REVERSED: 3.850 motion's denial on ineffective assistance of counsel for not properly preparing for trial; incompetent defendant. Reversed for evidentiary hearing.
34. **State v. Bush, 838 So.2d 1179 (5DCA03)** REVERSED: Mr. Baker initially won Mr. Bush a new trial via a 3.850 motion on ineffective assistance of counsel. The State appealed and won. PD was appointed. See Harris' dissenting opinion.
33. **Baker v. State, 831 So.2d 217 (5DCA02)** AFFIRMED: **Mr. Baker's CASE.** HO predicate's illegality is not enough to cause HO illegality. Must be resentenced on prior predicate in a manner to prove ineligibility of HO. HO statute is not disposed to such hypothetical speculation as to predicate offense(s) legality. See #45.
32. **Jones v. State, 810 So.2d 1071 (1DCA02)** PETITION GRANTED: Habeas corpus for belated 3.850 appeal.
31. **Robbins v. State, 816 So.2d 783 (2DCA02)** AFFIRMED: Delineation of when HO and Heggs issue are applicable and that collateral counsel ineffectiveness is not an appellate issue. Suggests other vehicle.
30. **McCalla v. State, 814 So.2d 1209 (4DCA02)** PETITION GRANTED: Certiorari petition on trial court's denial of 3.800(c) motion as untimely where it was filed within 60-day time period. Merits review ordered on 3.800(c) motion.

29. **Robbins v. State, 813 So.2d 960 (2DCA02)** PETITION GRANTED: Habeas petition raising ineffective assistance of appellate counsel on oral pronouncement/written sentence variation issue.
28. **Liptrot v. State, 805 So.2d 1056 (1DCA02)** PETITION GRANTED: Habeas corpus for belated 3.850 appeal.
27. **Hobbs v. State, 790 So.2d 1164 (4DCA01)** REVERSED: 3.850 motion's denial on ineffective assistance of counsel for not preserving suppression issue for appeal after plea of guilty. Remanded for evidentiary hearing and Hobbs was released.
26. **Dougherty v. State, 785 So.2d 1221 (4DCA01)** REVERSED: 3.850-3.800(a) motion's denial of Hegg's issue. Reversed for defendant's presence at resentencing hearing and jail credit issue not refuted by record.
25. **Napolitano v. State, 782 So.2d 1012 (4DCA01)** REVERSED: 3.850 motion's denial appeal on untimeliness grounds reversed for merits review on "Mailbox" rule.
24. **Smith v. State, 793 So.2d 34 (2DCA01)** REVERSED: 3.850 motion's denial of rehearing timeliness arguing "Mailbox" rule, reversed for evidentiary hearing.
23. **Rowan v. State, 791 So.2d 40 (2DCA01)** REVERSED: 3.800(a) motion's denial on "Karchesky" claim of improper multiple VOP bumps. Won 12-year reduction.
22. **Rowan v. State, 779 So.2d 417 (2DCA00)** REVERSED: Direct appeal Ander's supplemental brief arguing for pre-Green credit and on un-preserved "Karchesky" issue. Won 12-year reduction.
21. **Jones v. State, 770 So.2d 216 (1DCA00)** REVERSED: 3.850 motion's denial after evidentiary hearing remanded due to abuse of discretion in denying appointment of counsel. Remanded for new hearing on ineffective assistance of counsel for failing to call exculpatory witnesses at trial.
20. **Rolling v. State, 755 So.2d 184 (3DCA00) and 767 So.2d 570 (3DCA00)** REVERSED: 3.850 motion's denial as untimely reversed and remanded for evidentiary hearing. Explains 3.850 time period tolling while prisoner is out of Florida's jurisdiction.
19. **Bryant v. State, 744 So.2d 550 (1DCA99)** AFFIRMED W/O PREJUDICE: Mr. Baker re-filed (habeas corpus) and won Mr. Bryant's immediate release based on DOC's improper forfeiture of CRD credits.
18. **Hernando v. State, 755 So.2d 188 (3DCA00)** REVERSED: 3.800(a) motion's denial of Hegg's issue, reversed for resentencing.
17. **Mundy v. State, 743 So.2d 176 (1DCA99)** REVERSED: 3.850 motion's denial on timeliness issue. Two-year period is tolled while seeking U.S. Supreme Court Certiorari review of direct appeal decision.
16. **Mundy v. State, 745 So.2d 351 (1DCA99)** DISMISSED: Habeas petition seeking mandate recall due to misadvice from state appointed counsel causing missed collateral time periods. Dismissed for 3.850 relief then pending.
15. **Dwyer v. State, 743 So.2d 46 (5DCA99)** REVERSED: 3.850 motion's denial after evidentiary hearing where the late Attorney Russell Crawford represented Dwyer. Attorney Crawford recommended that no appeal be taken because he would not win. Mr. Baker did appeal and won. Mr. Baker briefed issue on appeal that ineffective assistance of counsel does not automatically exclude newly discovered evidence, issues are not mutually exclusive. Attorney Crawford contacted Mr. Baker after the win and became involved in his case on a consulting basis before his death.
14. **Rogers v. State, 744 So.2d 1038 (4DCA99)** REVERSED: On rehearing, 3.850 denial on involuntary plea and illegal sentence of banishment. On remand Mr. Rogers was discharged.
13. **Morales v. State, 731 So.2d 91 (5DCA99)** REVERSED: 3.850 motion's denial on ineffective assistance of counsel for not calling exculpatory witnesses reversed for evidentiary hearing.
12. **Bennett v. State, 732 So.2d 1130 (3DCA99)** REVERSED: 3.850 motion's denial of ineffective assistance of counsel for not calling exculpatory witnesses and jail credit issue reversed for evidentiary hearing.

11. **Velazquez v. State, 727 So.2d 1096 (5DCA99)** DISMISSED W/O PREJUDICE: Won 27-year reduction on sentence correction issue due to limitations period violation, appeal on jail credit issue dismissed w/o prejudice for re-filing.
10. **Smith v. State, 697 So.2d 991 (4DCA97)** REVERSED: 3.850 motion's denial of ineffective assistance of counsel for allowing adult sanctions w/o written reasons - moved for appointment PD and presented Mr. Baker's draft which he adopted and filed.
9. **Smith v. State, 670 So.2d 1181 (4DCA96)** DISMISSED: Non-final 3.850 denial reversed with clarification.
8. **Waters v. State, 688 So.2d 940 (5DCA97)** PETITION GRANTED: Habeas corpus for belated 3.850 appeal.
7. **Singletary v. Bullard, 701 So.2d 590 (5DCA97)** REVERSED: Order granting visitation of children in prison appealed by state and reversed on appeal. Provides clear application of law on issue of prison visitation.
6. **Rakers v. State, 664 So.2d 1038 (2DCA95)** REVERSED: 3.850 motion's denial on illegal sentence.
5. **Houston v. State, 652 So.2d 950 (1DCA95)** REVERSED: 3.850 motion's denial reversed for evidentiary hearing on ineffective assistance of counsel for failure to raise involuntary intoxication defense and other misc. ineffectiveness.
4. **Guzman v. State, 651 So.2d 1320 (5DCA96)** PETITION GRANTED: Habeas corpus for belated 3.800(a) appeal.
3. **Blanco v. Singletary, 662 So.2d 435 (3DCA95)** PETITION GRANTED: Habeas corpus for belated appeal.
2. **Wilson v. State, 680 So.2d 411 (Fla. 1996)** REVERSED: Same case as #1, Mr. Baker drafted brief and PD adopted.
1. **Wilson v. State, 660 So.2d 1067 (3DCA95)** PETITION GRANTED: Belated direct appeal granted on postconviction motion.

FEDERAL DECISIONS

2. **Cortes v. Gladish, et al, 216 Fed. Appx 897 (11th Cir. 2007)** REVERSED: §2254 denial for consideration of the merits of claims previously procedurally barred.
1. **Sykosky v. Crosby, 187 Fed. Appx. 953 (11th Cir. 2006)** AFFIRMED: §2254 denial on timeliness bar with delineation of complex timeliness issues and recent changes in the law. While this was not a "win" it was a case involving a complex procedural argument that obtained a lengthy and detailed decision by the 11th Circuit.