

Anthony T. Williams
Private Attorney General
Sumter Correctional Institution
Florida Department of Corrections
DC#: I50147
9544 Country Road 476B
Bushnell, Florida 33513-0667

**IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY,
FLORIDA**

STATE OF FLORIDA

CASE NO. 17-74CF10A

v.

ANTHONY T. WILLIAMS

**REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR
POST-CONVICTION RELIEF**

Defendant, by and through his common law counsel, Private Attorney General, Anthony T. Williams, a Servant of The Most High Yahweh Elohim Yahshua, submits this Reply to Plaintiff's Response to Defendant's Motion for Post-Conviction Relief:

1. Plaintiff in their response in paragraph 5 states that the motion of the defendant must be summarily denied because it is not under oath as required by FL. R. Crim. P 3.850.
2. The undersigned is *Sui Juris* and considered by the law to be *Pro Se* and the U.S. Supreme Court ruled in *Haines v. Kerner* and *Conley v. Gibson*, that the court cannot hold *Pro Se* litigants to the same stringent standards as attorneys at law and that if there are any defects within the pleading, the court must notify them of those defects, how to correct them and allow leave to correct the defects and resubmit the pleading.
3. The undersigned was in federal custody for the last 3.5 years and had no access to the Fla. R. Crim. P. because it was not provided in the law library since it only contained research books and legal programs for federal law.
4. Plaintiff argues that grounds one and two are really a sufficiency of the evidence argument and is a matter which was or could have been raised on appeal, and is not cognizable in a motion for post-conviction relief. However, these grounds were raised in the undersigned's initial *Pro Se* brief, in which the brief was intentionally withheld over a year by the clerk and filed improperly as a "document" instead of an "initial brief" and was disregarded. An appeal attorney was then assigned, which filed an appeal devoid of these grounds, which was not authorized nor agreed to, by the undersigned.
5. Plaintiff had a copy of the initial brief that the undersigned filed properly and timely and failed to answer the brief and was barred by the appellate rules to file a response letter and the conviction should have been overturned by the appeals court.
6. Plaintiff put forth no argument regarding the sentencing disparity between the defendant and his co-defendant, William Hatchett (hereinafter "Hatchett"). The Florida Supreme Court in *Craig v. State*, 685 So 2d 1225, has already ruled on this issue that the sentencing of co-defendants must be comparable to each other and cannot have a disparity which would constitute manifold injustice.
7. The undersigned's co-defendant had eleven (11) felony charges he was charged with and did not spend one day in state prison, instead, he was given 5 years' probation for the eleven (11) felony charges, whereas, the undersigned was given 15 years prison sentence and 15 years' probation for three (3) felony charges. This is clearly a gross sentencing disparity and manifold injustice that should be corrected. There is no justification in law where two co-defendants are charged with the same charges and one defendant has eight (8) additional charges and the co-defendant with the lesser felony charges and lesser criminal record, received a 15 year prison sentence followed by 15 years probation, whereas, the other defendant received no prison time with only

5 years' probation. Regardless of whether the co-defendant was coerced into testifying against his co-defendant, there is no justification for this paramount sentencing disparity.

8. Plaintiff argues in paragraph 6 of their response that the motion must be denied because it does not contain all of the information required by Fl. R. Crim. P. 3.850 (c). However, as the undersigned outlined in paragraph 2 of this reply, the court must give the undersigned instructions on where the defect was, how to correct it and leave to correct it.
9. Plaintiff in their response did not disprove that this case was a foreclosure and not a criminal action initiated by Bank of America or Youry Angel.
10. Plaintiff's response merely was statements of what occurred in regards to the conviction, the sentence imposed and ruling of the 4th D.C.A. and nothing regarding as to why the undersigned should not be granted post-conviction relief with the exception of paragraph 5 and 6 which states that the undersigned's motion was not taken under oath as required by Fla. R. Crim. P. 3.850 and that it did not contain all the information required by Fla. R. Crim. P. 3.850 (c), which the undersigned can correct and resubmit with the required oath and information.
11. Plaintiff need not reiterate that the defendant was convicted and sentenced, as this is a pre-requisite for filing a post-conviction relief motion. The reason the legislature passed this law was because they understood that many convictions and sentencings are wrong and provided a vehicle for relief from an unlawful conviction and sentence.
12. Plaintiff in their response put forth no argument, proof or evidence, as to how the undersigned grand theft the house, neither did they provide what evidence was relied on in the trial to sustain a conviction for grand theft or unlawful filing of documents.
13. Filing lawful documents to stop an illegal foreclosure does not constitute grand theft of a house. There is nor federal or state law which states it is illegal or unlawful to file a UCC lien on behalf of a homeowner where they are the secured party to the lien. Neither is there a law against a homeowner filing another mortgage on their property to protect their property rights and security interests. If there was, the undersigned would have been charged in West Palm Beach County, Miami Dade County Florida, Tennessee, Georgia, New York, North Carolina, Illinois, California, Texas, Hawaii and Vermont, where the same documents were filed on behalf of clients to fight for their foreclosures.
14. The undersigned should also be granted relief, based on the fact that in the State of Florida, there is a law of adverse possession, where one can take possession of a house

that is not theirs, openly and notoriously, and cannot be charged with trespassing and certainly, not grand theft.

15. This instant case, the facts are very clear that Hatchett had possession of the property for eight (8) consecutive years from 2008-2016 and was never charged with grand theft of the house. The undersigned was hired in March 2015 to assist Hatchett in fighting his foreclosure in which the undersigned did by filing numerous motions and appearing in court on behalf of Hatchett.
16. Donna Hickenbottom another client of the undersigned, had ten (10) properties that the undersigned were fighting foreclosures on her behalf, and filed the SAME DOCUMENTS that were filed on Hatchett's case, yet, she was not charged with grand theft. This constitute a "selective prosecution," when similarly situated suspect of another race commits the same offense and was not charged. The U.S. Supreme Court has ruled that this is impermissible and ground for a conviction to be overturned. Plaintiff was silent on the issue because plaintiff knew that they have no legal arguments to overcome this fact of "selective prosecution" and therefore, this is ground for the undersigned to obtain post-conviction relief.
17. The Plaintiff in their response provided as exhibits: 1). The guilty verdict; 2). Uniform Commitment to Custody of Department of Corrections, Judgment and Sentence; and 3). Mandate from the 4th D.C.A. with no opinion as to why they affirmed the conviction. None of these are proofs as to why the undersigned is not entitled to post-conviction relief, and these were the only proofs of what transpired on the record and the documents that were filed.
18. The undersigned previously filed a Motion for Post-Conviction Relief three (3) times last year (2020). The Plaintiff did not respond to any of them. It was not until the undersigned mailed the motion the 4th time by certified mail and returned receipt on March 29, 2021 (See exhibit 1), that the Plaintiff filed a response, which constitutes that the Plaintiff did not respond in the allotted time on the first three (3) times by law. Therefore, the Motion for Post-Conviction Relief should be granted because of Plaintiff's failure to file an opposition in the allotted time by law.
19. The documents that were drafted by the undersigned were filed by Hatchett and Hickenbottom and not the undersigned, therefore, the undersigned should not have been charged with the documents that the undersigned did not file. Furthermore, Hatchett and the "Free Will" choice to file or not to file the documents, in which Hatchett chose to file the documents on his own accord, to fight for his own foreclosure. Therefore, this was not nor should not be considered, as a grand theft of a house by the undersigned.

RELIEF SOUGHT

1. The Motion for Post-Conviction Relief be granted and the conviction vacated and the undersigned released to Federal Prison to start serving his 20-year sentence.
2. In the alternative, if the conviction is not vacated, credit time served for the four (4) years and five (5) months the undersigned has been incarcerated and release from custody of the Florida Department of Corrections and be transferred to federal prison to start serving the 20-year sentence.
3. In the alternative, if credit for time served is not granted, allow the undersigned six (6) months to be able to obtain Rule 3.850 and do the proper research to resubmit the 3.850, sworn under oath with the information required by 3.850 (c) or to obtain counsel to file on the defendant's behalf.
4. In the alternative of 1, 2, and 3 above, order a retrial so that the undersigned will be granted the right to call witnesses at trial, this time, to face his accuser, John Calabro, on the witness stand, as mandated by the Sixth Amendment.
5. Order from this court to whatever facility the undersigned is housed in, to be able to access the library, Monday thru Friday, from 8 A.M. to 8 P.M., to have adequate access to research and to draft a proper 3.850 motion with the legal authorities in support.
6. Order from this court to the Department of Corrections to allow the undersigned to have the Florida Rules of Criminal Procedure, Florida Rules of Appellate Procedure, 4th D. C. A. rulings and Florida Supreme Court rulings on flash drive to access through the JP6 Tablet.

CONCLUSION

Based upon the foregoing facts presented herein, the undersigned requests that the Motion for Post-Conviction Relief be granted or grant the relief sought enumerated above.

Executed this 1st day of June, 2021.

Righteously Submitted,

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was furnished by U.S. Mail to the following recipient(s):

/s/Anthony T. Williams
Anthony T. Williams
Private Attorney General
Counsel to the Poor (Psalms 14:6)
Common Law Counsel (First Judiciary Act of 1789, Sec. 35)

STATE ATTORNEY'S OFFICE
Harold E. Pugh
200 S. E. 6th Street
Fort Lauderdale, Florida 33301

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by U. S. Mail to the following recipient on:

On this 1st day of June, 2021.

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Harold F. Pryor
201 S. E. 6th Street
Fort Lauderdale, Florida 33301

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