

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

Woods v. State of Florida

No. 2D2024-1547 (Fla. 2d DCA Aug. 6, 2025) · No. 2D2024-1547 · Decided August 6, 2025

SUMMARY

The Florida Second District Court of Appeal held that Wallace Woods's habeas petition sought collateral postconviction relief but could not be converted into a Florida Rule of Criminal Procedure 3.850 motion because his claims were procedurally barred and untimely. The court reversed the order reclassifying and transferring the petition and remanded with instructions to dismiss it as unauthorized.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Atkinson, J.; Morris, J.; Smith, J.
JURISDICTION	District Court of Appeal of Florida, Second District
DECIDED	August 6, 2025
DOCKET	2D2024-1547
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Wallace Woods appealed a circuit court order reclassifying his petition for writ of habeas corpus as a motion for postconviction relief under Florida Rule of Criminal Procedure 3.850 and transferring it to the Miami-Dade County Circuit Court.
STANDARD OF REVIEW	The opinion does not expressly state a standard of review; the appellate court reviewed the circuit court's legal classification and disposition of the habeas petition.
PRECEDENTIAL VALUE	Published opinion; precedential subject to revision prior to official publication.
PARTIES	Wallace Woods v. State of Florida

TOPICS

[habeas corpus](#)

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[criminal procedure](#)

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PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the circuit court properly treated Woods's habeas petition as a Rule 3.850 postconviction motion.
2. Whether the circuit court could transfer the petition to the sentencing court rather than dismiss it as unauthorized.
3. Whether an alleged failure to allege venue rendered the charging information fundamentally defective and provided a claim remediable by habeas corpus.
4. Whether procedural bars, including untimeliness and the availability of the claim at trial or on direct appeal, required dismissal rather than conversion and transfer.

HOLDINGS

1. The circuit court correctly determined that Woods's petition sought collateral postconviction relief under Florida Rule of Criminal Procedure 3.850 because it attacked the charging information underlying his final judgment and sentences.
2. An alleged failure to plead venue does not constitute a fundamental defect that renders an information void or supports habeas corpus relief, particularly where the information in fact alleged that the crimes occurred in Miami-Dade County.
3. Although a circuit court may generally convert an improperly filed habeas petition into a Rule 3.850 motion and transfer it to the sentencing court, it should instead dismiss the petition as unauthorized when a procedural bar would preclude the postconviction motion.
4. The petition had to be dismissed as unauthorized rather than reclassified and transferred.

KEY QUOTATIONS

“A writ of habeas corpus is generally not an available remedy for such postconviction relief.” (at 2)

“But if there would be a procedural bar to a postconviction motion, the circuit court should instead dismiss the habeas petition as unauthorized.” (at 3-4)

“Therefore, dismissal was the proper remedy.” (at 4)

FACTUAL BACKGROUND

Woods was convicted in Miami-Dade County of robbery and burglary with assault and battery and was serving his sentences at DeSoto Correctional Institution. He filed a habeas petition in DeSoto County alleging that the charging information was fundamentally defective because it failed to allege the time and place of the crimes and therefore failed to allege venue. The information actually referred to the crimes as occurring in the county and state aforesaid, which referred to Miami-Dade County.

PROCEDURAL HISTORY

Woods was convicted in Miami-Dade County of robbery and burglary with assault and battery, and the Third District Court of Appeal affirmed his judgment and sentences on direct appeal in 2006. While incarcerated in DeSoto County, he filed a habeas petition in the DeSoto County Circuit Court challenging the alleged failure of the charging information to allege venue. The circuit court reclassified the petition as a Rule 3.850 motion and transferred it to Miami-Dade County. The Second District reversed and remanded with instructions to dismiss the petition as unauthorized.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The DeSoto County Circuit Court must dismiss Woods's petition for writ of habeas corpus as unauthorized.

CASES CITED

- Woods v. State, 941 So. 2d 495 (Fla. 3d DCA 2006)
- Clough v. State, 136 So. 3d 680, 682 (Fla. 2d DCA 2014)
- Baker v. State, 878 So. 2d 1236, 1241, 1245-46 (Fla. 2004)
- Zuluaga v. State, Department of Corrections, 32 So. 3d 674, 676-77 (Fla. 1st DCA 2010)
- Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992)
- Mills v. Dugger, 574 So. 2d 63, 65 (Fla. 1990)
- Robbins v. State, 564 So. 2d 256, 257 (Fla. 1st DCA 1990)
- Price v. State, 995 So. 2d 401, 407 (Fla. 2008)
- State v. Gray, 435 So. 2d 816, 818 (Fla. 1983)
- Braddy v. State, 111 So. 3d 810, 835 (Fla. 2012)
- Tucker v. State, 459 So. 2d 306, 309 (Fla. 1984)
- Myrick v. Inch, 303 So. 3d 269, 272 (Fla. 2d DCA 2020)
- Rafael v. Crews, 154 So. 3d 505, 507 (Fla. 4th DCA 2015)
- Burns v. State, 396 So. 3d 629, 630 (Fla. 5th DCA 2024)

OPINION

Woods v. State of Florida

PER CURIAM.

DISTRICT COURT OF APPEAL OF FLORIDA

SECOND DISTRICT

WALLACE WOODS,

Appellant, v.

STATE OF FLORIDA,

Appellee. No. 2D2024-1547 August 6, 2025 Appeal from the Circuit Court for DeSoto County;

Don Thomas Hall, Judge. Wallace Woods, pro se. James Uthmeier, Attorney General, Tallahassee, and Sandra Lipman, Senior Assistant Attorney General, Miami, for Appellee. ATKINSON, Judge. Wallace Woods appeals the circuit court's order reclassifying his petition for writ of habeas corpus as a motion for postconviction relief and transferring the motion to the circuit court for Miami-Dade County. Though the circuit court correctly identified that Mr. Woods' petition sought collateral postconviction relief available under Florida Rule of Criminal Procedure 3.850, it erred by reclassifying the petition as a rule 3.850 motion and transferring it to Miami-Dade County. We reverse the circuit court's order and remand with directions that it dismiss Mr. Woods' petition as unauthorized. Mr. Woods was charged in Miami-Dade County with robbery in violation of section 812.13(2)(c), Florida Statutes (2004), and burglary with assault and battery in violation of section 810.02(2)(a), Florida Statutes (2004). He was convicted, and in 2006, the Third District Court of Appeal affirmed Mr. Woods' judgment and sentences on direct appeal. See *Woods v. State*, 941 So. 2d 495 (Fla. 3d DCA 2006). Mr. Woods is currently serving his sentences at the DeSoto Correctional Institution in DeSoto County. He filed a petition for writ of habeas corpus in the DeSoto County Circuit Court, in which he argued that the charging document upon which he was convicted was fundamentally defective and void because it failed to allege the time and place where the crimes occurred and thus failed to allege the essential element of venue. Rather than recognize the filing as a "true petition for writ of habeas corpus," however, the circuit court determined that the petition sought postconviction relief because Mr. Woods sought to collaterally attack his judgment and sentences based on errors that allegedly occurred during his underlying criminal case in Miami-Dade County. On that basis, the circuit court relabeled the petition "as a Rule 3.850 motion for postconviction relief" and transferred it to the Miami-Dade County Circuit Court. The trial court was correct in its assessment that Mr. Woods' petition for writ of habeas corpus sought postconviction relief under rule 3.850, as it collaterally attacked the information upon which he had already been convicted and sentenced. Cf. *Clough v. State*, 136 So. 3d 680, 682 (Fla. 2d DCA 2014) ("[A] petition for a writ of habeas corpus now applies only in those limited circumstances where the petitioner is not seeking to collaterally attack a final criminal judgment of conviction and sentence." (citing *Baker v. State*, 878 So. 2d 1236, 1241 (Fla. 2004))). A writ of habeas corpus is generally not an available remedy for such postconviction relief. See *Baker*, 878 So. 2d at 1245 ("The remedy of habeas corpus is not available in Florida to obtain the kind of collateral postconviction relief available by motion in the sentencing court pursuant to rule 3.850."); *Zuluaga v. State, Dep't of Corr.*, 32 So. 3d 674, 676–77 (Fla. 1st DCA 2010) ("Habeas corpus is not a vehicle for obtaining additional appeals of issues which were raised or should have been raised on direct appeal, or which could have been, should have been, or were raised in post-conviction proceedings." (first citing *Breedlove v. Singletary*, 595 So. 2d 8, 10 (Fla. 1992); then citing *Mills v. Dugger*, 574 So. 2d 63, 65 (Fla. 1990); and then citing *Robbins v. State*, 564 So. 2d 256, 257 (Fla. 1st DCA 1990))). There are limited circumstances in which a petition for writ of habeas corpus may be used to challenge a "fundamentally defective" information that "wholly

fail[s] to charge a crime." *Price v. State*, 995 So. 2d 401, 407 (Fla. 2008) (citing *State v. Gray*, 435 So. 2d 816, 818 (Fla. 1983)). But any failure to allege venue in an information does not meet that standard. See *Braddy v. State*, 111 So. 3d 810, 835 (Fla. 2012) ("[F]ailure to allege venue in an indictment or information is an error of form, not of substance and such a defect will not render the charging instrument void absent a showing of prejudice to the defendant." (quoting *Tucker v. State*, 459 So. 2d 306, 309 (Fla. 1984))); *Tucker*, 459 So. 2d at 309 ("[W]e hold that failure to allege venue is not a fundamental defect in an indictment."). Moreover, the information in this case did not fail to allege venue, as it alleged that the crimes took place in Miami- Dade County. In each count, the information indicated that the 3 respective crime was committed "in the County and State aforesaid," referring back to the opening paragraph of the information, which listed "the County of Miami-Dade" as the county in which Mr. Woods was prosecuted. Consequently, Mr. Woods did not raise any claim that is remediable by habeas corpus. Generally, when a defendant improperly seeks postconviction relief in a habeas petition, a circuit court may convert the habeas petition to a rule 3.850 motion and transfer it to the sentencing court. See *Myrick v. Inch*, 303 So. 3d 269, 272 (Fla. 2d DCA 2020). Compare § 79.09, Fla. Stat. (2024) (providing that a petition for writ of habeas corpus must be filed in "the circuit court of the county in which the prisoner is detained"), with *Baker*, 878 So. 2d at 1245 (providing that collateral postconviction relief is "available through a rule 3.850 motion in the sentencing court"). But if there would be a procedural bar to a postconviction motion, the circuit court should instead dismiss the habeas petition as unauthorized. Specifically, the petition should be dismissed if it

(1) would be untimely if considered as a motion for

postconviction relief under rule 3.850, (2) raise[s] claims that could have been raised at trial or, if properly preserved, on direct appeal of the judgment and sentence, or (3) would be considered a second or successive motion under rule 3.850 that either fails to allege new or different grounds for relief, or alleges new or different grounds for relief that were known or should have been known at the time the first motion was filed. *Baker*, 878 So. 2d at 1245–46; cf. *Clough*, 136 So. 3d at 682 (providing that a habeas petition may be converted to a rule 3.850 motion "absent a procedural bar"). Mr. Woods' habeas petition raised a claim that could have been raised at trial or on direct appeal, if preserved. Additionally, if construed as a rule 3.850 motion, Mr. Woods' petition would be untimely 4 because it has been more than two years since his judgment and sentences became final, and he has not alleged that any of the exceptions to filing the motion beyond the two-year time period apply. See Fla. R. Crim. P. 3.850(b). Therefore, dismissal was the proper remedy. See *Rafael v. Crews*, 154 So. 3d 505, 507 (Fla. 4th DCA 2015) ("Because the remedy of habeas corpus is not available to appellant to obtain the kind of collateral postconviction relief he has sought and continues to pursue, the trial court was not required to transfer appellant's petition to the Twentieth Circuit for consideration in collateral postconviction relief proceedings. Instead, the trial court should have dismissed the petition as unauthorized." (citing *Baker*, 878 So. 2d at 1245–46)); cf. *Burns v. State*, 396 So. 3d 629, 630 (Fla. 5th DCA

2024) ("Because the trial court should have dismissed Burns' claim, we reverse and remand with instruction to dismiss Burns' petition for writ of habeas corpus as unauthorized."). The circuit court's order reclassifying Mr. Woods' petition as a rule 3.850 motion and transferring it to the Miami-Dade County circuit court is reversed, and the case is remanded with instructions for the circuit court to dismiss the petition as unauthorized. Reversed and remanded with instructions. MORRIS and SMITH, JJ., Concur. Opinion subject to revision prior to official publication. 5