

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D18-2165

STEVEN FRANCIS D'AMICO,

Appellant,

v.

ROBERT E. SMITH, Warden,

Appellee.

On appeal from the Circuit Court for Union County.
David P. Kreider, Judge.

December 28, 2018

PER CURIAM.

We affirm the amended order transferring Appellant's petition for writ of habeas corpus to the circuit in which Appellant was convicted and sentenced. *See Torres v. State*, 208 So. 3d 831, 831 (Fla. 1st DCA 2017) (affirming the order transferring a habeas petition because the appellant challenged the sufficiency of the charging instrument therein); *Baker v. State*, 164 So. 3d 38, 39 (Fla. 3d DCA 2015) (“[T]he court of conviction, has jurisdiction over Baker’s habeas petition because the petition challenges the sufficiency of the charging document which amounts to a collateral attack on Baker’s 1996 conviction.”).

AFFIRMED.

WOLF, LEWIS, and WETHERELL, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Steven Francis D'Amico, pro se, Appellant.

Beverly Brewster, Assistant General Counsel, Department of Corrections, Tallahassee, for Appellee.