

Supreme Court of Florida

FRIDAY, APRIL 26, 2002

ANDREW MITCHELL,

**

Petitioner,

**

vs.

** CASE NO. SC01-1551

MICHAEL W. MOORE, etc.,

**

Respondent.

**

**

ORDER

Petitioner has filed a petition to invoke all writs jurisdiction. Petitioner's motion to amend is hereby granted. To the extent petitioner alleges ineffective assistance of trial counsel, prosecutorial misconduct, and trial court error, the petition is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues which were or could have been raised on direct appeal or in prior postconviction proceedings. See Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992); Mills v. Dugger, 574 So. 2d 63, 65 (Fla. 1990). To the extent petitioner seeks review of a federal court order, the petition is hereby dismissed for lack of jurisdiction. To the extent petitioner seeks correction of an allegedly illegal sentence, the petition is hereby denied without prejudice to petitioner's raising this claim in the Circuit Court of the Fourth Judicial Circuit, in and for Nassau County. See Fla. R. Crim. P. 3.800(a).

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

A True Copy

TEST:



Thomas D. Hall
Clerk, Supreme Court

H

cc: Hon. Harry L. Shorstein
Mr. Andrew P. Mitchell
Mr. Louis A. Vargas
Hon. Robert A. Butterworth

Supreme Court of Florida

FRIDAY, APRIL 26, 2002

ANDREW MITCHELL,

**

Petitioner,

**

vs.

** CASE NO. SC01-1551

MICHAEL W. MOORE, etc.,

**

Respondent.

**

**

ORDER

Petitioner has filed a petition to invoke all writs jurisdiction. Petitioner's motion to amend is hereby granted. To the extent petitioner alleges ineffective assistance of trial counsel, prosecutorial misconduct, and trial court error, the petition is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues which were or could have been raised on direct appeal or in prior postconviction proceedings. See Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992); Mills v. Dugger, 574 So. 2d 63, 65 (Fla. 1990). To the extent petitioner seeks review of a federal court order, the petition is hereby dismissed for lack of jurisdiction. To the extent petitioner seeks correction of an allegedly illegal sentence, the petition is hereby denied without prejudice to petitioner's raising this claim in the Circuit Court of the Fourth Judicial Circuit, in and for Nassau County. See Fla. R. Crim. P. 3.800(a).

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

A True Copy

TEST:



Thomas D. Hall
Clerk, Supreme Court

H

cc: Hon. Harry L. Shorstein
Mr. Andrew P. Mitchell
Mr. Louis A. Vargas
Hon. Robert A. Butterworth

Supreme Court of Florida

FRIDAY, APRIL 26, 2002

ANDREW MITCHELL,

**

Petitioner,

**

vs.

** CASE NO. SC01-1551

MICHAEL W. MOORE, etc.,

**

Respondent.

**

**

ORDER

Petitioner has filed a petition to invoke all writs jurisdiction. Petitioner's motion to amend is hereby granted. To the extent petitioner alleges ineffective assistance of trial counsel, prosecutorial misconduct, and trial court error, the petition is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues which were or could have been raised on direct appeal or in prior postconviction proceedings. See Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992); Mills v. Dugger, 574 So. 2d 63, 65 (Fla. 1990). To the extent petitioner seeks review of a federal court order, the petition is hereby dismissed for lack of jurisdiction. To the extent petitioner seeks correction of an allegedly illegal sentence, the petition is hereby denied without prejudice to petitioner's raising this claim in the Circuit Court of the Fourth Judicial Circuit, in and for Nassau County. See Fla. R. Crim. P. 3.800(a).

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

A True Copy

TEST:



Thomas D. Hall
Clerk, Supreme Court

H

cc: Hon. Harry L. Shorstein
Mr. Andrew P. Mitchell
Mr. Louis A. Vargas
Hon. Robert A. Butterworth

Supreme Court of Florida

FRIDAY, APRIL 26, 2002

ANDREW MITCHELL,

**

Petitioner,

**

vs.

** CASE NO. SC01-1551

MICHAEL W. MOORE, etc.,

**

Respondent.

**

**

ORDER

Petitioner has filed a petition to invoke all writs jurisdiction. Petitioner's motion to amend is hereby granted. To the extent petitioner alleges ineffective assistance of trial counsel, prosecutorial misconduct, and trial court error, the petition is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues which were or could have been raised on direct appeal or in prior postconviction proceedings. See Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992); Mills v. Dugger, 574 So. 2d 63, 65 (Fla. 1990). To the extent petitioner seeks review of a federal court order, the petition is hereby dismissed for lack of jurisdiction. To the extent petitioner seeks correction of an allegedly illegal sentence, the petition is hereby denied without prejudice to petitioner's raising this claim in the Circuit Court of the Fourth Judicial Circuit, in and for Nassau County. See Fla. R. Crim. P. 3.800(a).

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

A True Copy

TEST:



Thomas D. Hall
Clerk, Supreme Court

H

cc: Hon. Harry L. Shorstein
Mr. Andrew P. Mitchell
Mr. Louis A. Vargas
Hon. Robert A. Butterworth

Supreme Court of Florida

FRIDAY, APRIL 26, 2002

ANDREW MITCHELL,

**

Petitioner,

**

vs.

** CASE NO. SC01-1551

MICHAEL W. MOORE, etc.,

**

Respondent.

**

**

ORDER

Petitioner has filed a petition to invoke all writs jurisdiction. Petitioner's motion to amend is hereby granted. To the extent petitioner alleges ineffective assistance of trial counsel, prosecutorial misconduct, and trial court error, the petition is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues which were or could have been raised on direct appeal or in prior postconviction proceedings. See Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992); Mills v. Dugger, 574 So. 2d 63, 65 (Fla. 1990). To the extent petitioner seeks review of a federal court order, the petition is hereby dismissed for lack of jurisdiction. To the extent petitioner seeks correction of an allegedly illegal sentence, the petition is hereby denied without prejudice to petitioner's raising this claim in the Circuit Court of the Fourth Judicial Circuit, in and for Nassau County. See Fla. R. Crim. P. 3.800(a).

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

A True Copy

TEST:



Thomas D. Hall
Clerk, Supreme Court

H

cc: Hon. Harry L. Shorstein
Mr. Andrew P. Mitchell
Mr. Louis A. Vargas
Hon. Robert A. Butterworth

Supreme Court of Florida

FRIDAY, APRIL 26, 2002

ANDREW MITCHELL,

**

Petitioner,

**

vs.

** CASE NO. SC01-1551

MICHAEL W. MOORE, etc.,

**

Respondent.

**

**

ORDER

Petitioner has filed a petition to invoke all writs jurisdiction. Petitioner's motion to amend is hereby granted. To the extent petitioner alleges ineffective assistance of trial counsel, prosecutorial misconduct, and trial court error, the petition is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues which were or could have been raised on direct appeal or in prior postconviction proceedings. See Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992); Mills v. Dugger, 574 So. 2d 63, 65 (Fla. 1990). To the extent petitioner seeks review of a federal court order, the petition is hereby dismissed for lack of jurisdiction. To the extent petitioner seeks correction of an allegedly illegal sentence, the petition is hereby denied without prejudice to petitioner's raising this claim in the Circuit Court of the Fourth Judicial Circuit, in and for Nassau County. See Fla. R. Crim. P. 3.800(a).

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

A True Copy

TEST:



Thomas D. Hall
Clerk, Supreme Court

H

cc: Hon. Harry L. Shorstein
Mr. Andrew P. Mitchell
Mr. Louis A. Vargas
Hon. Robert A. Butterworth

Supreme Court of Florida

FRIDAY, APRIL 26, 2002

ANDREW MITCHELL,

**

Petitioner,

**

vs.

** CASE NO. SC01-1551

MICHAEL W. MOORE, etc.,

**

Respondent.

**

**

ORDER

Petitioner has filed a petition to invoke all writs jurisdiction. Petitioner's motion to amend is hereby granted. To the extent petitioner alleges ineffective assistance of trial counsel, prosecutorial misconduct, and trial court error, the petition is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues which were or could have been raised on direct appeal or in prior postconviction proceedings. See Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992); Mills v. Dugger, 574 So. 2d 63, 65 (Fla. 1990). To the extent petitioner seeks review of a federal court order, the petition is hereby dismissed for lack of jurisdiction. To the extent petitioner seeks correction of an allegedly illegal sentence, the petition is hereby denied without prejudice to petitioner's raising this claim in the Circuit Court of the Fourth Judicial Circuit, in and for Nassau County. See Fla. R. Crim. P. 3.800(a).

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

A True Copy

TEST:



Thomas D. Hall
Clerk, Supreme Court

H

cc: Hon. Harry L. Shorstein
Mr. Andrew P. Mitchell
Mr. Louis A. Vargas
Hon. Robert A. Butterworth