

# Supreme Court of Florida

MONDAY, APRIL 22, 2002

LORENZO ARNETT GRIFFIN,

\*\*

Petitioner,

\*\*

vs.

\*\* CASE NO. SC01-2177

LOWER TRIBUNAL

STATE OF FLORIDA,

\*\* CASE NO. 91-2324-CF

Respondent.

\*\*

\*\*

## ORDER

Petitioner has filed a petition for writ of habeas corpus. Petitioner's request to take judicial notice is hereby granted. To the extent petitioner claims ineffective assistance of counsel and denial of his right to a fair trial, the petition is hereby denied as procedurally barred. See Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992); Mills v. Dugger, 574 So. 2d 63, 65 (Fla. 1990)(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).

To the extent petitioner challenges the wording used in his charging information, the petition is hereby denied. See Hernandez v. State, 749 So. 2d 1284 (Fla. 3d DCA 2000)(holding that a challenge to the form or substance of an information is waived if not raised in a motion to dismiss under Fla. R. Crim. P. 3.190(b) either before or upon arraignment).

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

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TEST:

cc: Hon. Victor J. Musleh, Chief Judge  
Mr. Lorenzo A. Griffin  
Hon. Robert A. Butterworth  
Hon. David R. Ellspermann, Clerk



Thomas D. Hall  
Clerk, Supreme Court

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