

# Supreme Court of Florida

TUESDAY, JANUARY 11, 2011

CASE NO.: SC10-1598

Lower Tribunal No(s): 03-21355 CF10A

JAMES WALLACE

vs. WALTER A. MCNEIL, ETC.

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Petitioner(s)

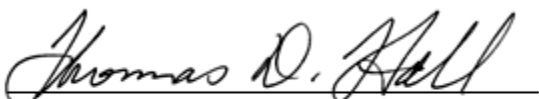
Respondent(s)

The petition for writ of habeas corpus 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 that were or could have been raised on direct appeal or in prior postconviction proceedings. See Denson v. State, 775 So. 2d 288, 290 (Fla. 2000); Breedlove v. Singletary, 595 So. 2d 8, 10 (Fla. 1992).

PARIENTE, LEWIS, QUINCE, LABARGA, and PERRY, JJ., concur.

A True Copy

Test:



Thomas D. Hall  
Clerk, Supreme Court



ab

Served:

JAMES E. WALLACE  
HON. WALTER A. MCNEIL, ETC.  
HON. HOWARD FORMAN, CLERK  
JEANINE MARIE GERMANOWICZ