

# Supreme Court of Florida

WEDNESDAY, MAY 27, 2009

CASE NO.: SC09-648

Lower Tribunal No(s): 77-177CFA

EUGENE JENKINS

vs. WALTER A. MCNEIL, ETC.

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Petitioner(s)

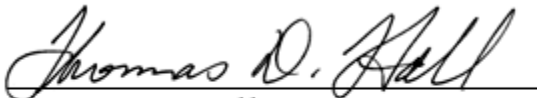
Respondent(s)

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, CANADY, POLSTON, LABARGA, and PERRY, JJ., concur.

A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



bm

Served:

EUGENE JENKINS  
KATHLEEN VON HOENE  
HON. JOSEPH E. SMITH, CLERK  
HON. BILL MCCOLLUM