

Supreme Court of Florida

MONDAY, MAY 18, 2009

CASE NO.: SC08-2483

Lower Tribunal No(s): 88-5961-CF

BRAD TURNER

vs. FLORIDA PAROLE
COMMISSION

Petitioner(s)

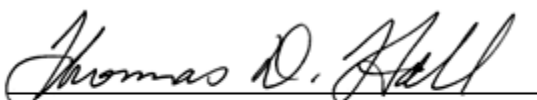
Respondent(s)

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); see also Jenkins v. Wainwright, 322 So. 2d 477, 478 (Fla. 1975) (declaring that one may not pursue the same relief by the same writ in more than one court).

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

A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



bm

Served:

BRAD TURNER
THEODORE ALLEN AVELLONE
HON. BILL MCCOLLUM
HON. BOB INZER, CLERK