

Supreme Court of Florida

WEDNESDAY, DECEMBER 11, 2013

CASE NO.: SC13-1034

Lower Tribunal No(s): 02-3868-CF

CARMEN N. BURKETT

vs. MICHAEL D. CREWS, ETC.

Petitioner(s)

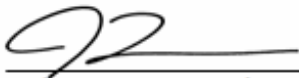
Respondent(s)

The petitioner filed a writ of habeas corpus. To the extent the petitioner seeks a second appeal of the circuit court's decision, 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 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). To the extent the petitioner alleges ineffective assistance of appellate counsel, the petition is hereby dismissed without prejudice to the petitioner seeking relief in the appropriate court.

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

A True Copy

Test:



John A. Tomasino

Clerk, Supreme Court



kb

Served:

JENNIFER ALANI PARKER
CARMEN N. BURKETT
HON. PAMELA JO BONDI
HON. PAM CHILDERS, CLERK
HON. ERNIE LEE MAGAHA, CLERK