

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN  
AND FOR SUMTER COUNTY, FLORIDA**

**CARL R. GEER,**

Petitioner,

**vs.**

**CASE NO.: 2021-CA-144**

**STATE OF FLORIDA,**

Respondent.

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**ORDER ON PETITION FOR WRIT OF A HABEAS CORPUS**

**THIS COURT** having considered Petitioner's Petition for Writ of a Habeas, filed on March 15, 2021, makes the following findings:

A. Petitioner asserts the Court failed to order a competency evaluation in his criminal trial.

B. When a petitioner attacks the validity of the conviction by raising issues relating to the trial or the propriety of the plea, jurisdiction lies with the trial court that imposed the sentence and rendered the judgment of conviction. Richardson v. State, 918 So.2d 999, 1001 (Fla. 5<sup>th</sup> DCA 2006); Collins v. State, 859 So.2d 1244 (Fla. 5<sup>th</sup> DCA 2005). Habeas proceedings may not be used to present issues that should have been raised in a Rule 3.850 motion or claims that should have been raised on appeal, nor may it be used to obtain a second appeal. Id. at 1002-1003. The proper disposition for such claims is dismissal, rather than denial. McLeod v. State, 899 So.2d 506 (Fla. 5<sup>th</sup> DCA 2005).

C. In this case, Petitioner is asserting a claim that should have been presented in a Rule 3.850 motion and/or on appeal.

Based upon the foregoing, it is hereby

**ORDERED AND ADJUDGED** that the Petitioner's Petition for Writ of a Habeas is hereby DISMISSED.

**DONE AND ORDERED** in Chambers, at Bushnell, Sumter County, Florida, on this 25<sup>th</sup> day of March 2021.

  
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**Mary P. Hatcher**  
Circuit Judge

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true copy of the foregoing has been furnished to the following by E-Service through the Florida Courts E-Portal on this 29<sup>th</sup> day of March 2021.

  
\_\_\_\_\_  
**Susan Shaw**  
Judicial Assistant

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