

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

PHILLIP H. MORA,

Petitioner,

vs.

CASE NO. 2021-CA-147

**STATE OF FLORIDA, SECRETARY
DEPARTMENT OF CORRECTIONS,
et.al.,**

Respondents.

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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 16, 2021, makes the following findings:

A. Petitioner asserts his probation was improperly revoked and reinstated since he had already served his entire sentence.

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. 5th DCA 2006); Collins v. State, 859 So.2d 1244 (Fla. 5th 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. 5th 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 25th day of March 2021.



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 U. S. Mail or E-Service through the Florida Courts E-Portal on this 29th day of March 2021.



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