

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

STATE OF FLORIDA,

vs.

CASE NO: 2022 CF 1514

CHRISTOPHER ENGLAND,

Defendant.

_____ /

ORDER DENYING DEFENDANT’S PETITION FOR WRIT OF HABEAS CORPUS

THIS CAUSE came before the Court upon the Defendant’s Petition for Writ of Habeas Corpus filed on December 19, 2022 (“Defendant’s Petition”). The Court, having reviewed the Defendant’s Petition and other pertinent documents in the Court file, reviewed the relevant legal authorities, and being otherwise fully advised in the premises, finds and concludes as follows:

1. Defendant’s Petition challenges his 2017 convictions for Fleeing and Eluding.
2. Defendant’s claims could or should have been brought under Fla. R. Crim. Pro. 3.850.
3. “Habeas corpus may not be used to file successive 3.850 motions or to raise issues which would be untimely if considered as a motion for postconviction relief” *Barnard v. State*, 949 So.2d 250 (Fla. 3d DCA 2007).
4. Defendant’s conviction became final thirty (30) days after his sentencing on July 5, 2017.
5. Therefore, the Court cannot construe Defendant’s Petition as a Motion for Post-Conviction Relief under Fla. R. Crim. Pro. 3.850 because it is outside the two-year time limit and no exception is alleged.
6. Additionally, Defendant’s Petition lacks the required oath.
7. Moreover, even if Defendant’s Petition was not procedurally barred, it would be legally insufficient. Defendant’s Petition challenges the factual basis for his conviction, but he gave up his right to contest the factual basis by entering into his plea agreement, and Defendant does not allege that the plea was involuntary, nor does he request that his plea be vacated so he can proceed to trial.

In view of the foregoing findings, the pertinent portions of the record, and applicable law, it is **ORDERED** and **ADJUDGED** that Defendant's Petition for Writ of Habeas Corpus filed on December 19, 2022 is **DENIED**.

DONE and **ORDERED** in Chambers at Tavares, Lake County, Florida this 20th day of January 2023.



LARRY METZ, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been served by U.S. Mail/Inter-Office, Mail/Fax this 23 day of January 2023 to the following:

Office of the State Attorney

Christopher England
Inmate ID #55477
Lake County Detention Center
551 West Main Street
Tavares, FL 32778

By: 

Deputy Clerk