

Nov. 7, 2018

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

OBELIN JAIMES-AVILES,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Case No. 2D18-1036

Opinion filed November 7, 2018.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Polk County; Donald G. Jacobsen,
Judge.

Obelin Jaimes-Aviles, pro se.

PER CURIAM.

Affirmed.

BLACK, LUCAS, and ROTHSTEIN-YOUAKIM, JJ., Concur.

IN THE TENTH JUDICIAL CIRCUIT COURT
IN AND FOR POLK COUNTY, FLORIDA

CASE NUMBER: 53-2017-CA-001504

OBELIN JAIMES AVILES,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

THIS MATTER is before the Court on Petitioner's Petition titled, "Petition For Writ Of Habeas Corpus Per F.S.A. 79.01 And F.S.A. RCP Rule CIV. 1.630(a)(5)," (the "Petition"), filed on May 2, 2017. The Court, after reviewing the Petition, the court file, and applicable law, finds as follows:

The Petitioner, who was convicted and sentenced for Manslaughter With A Firearm and Shooting Into An Occupied Vehicle in Case No. CF06-006810-XX, alleges that his convictions and sentences are illegal. The Defendant alleges that law enforcement extensively interrogated him and deliberately delayed administering Miranda Rights to him. Additionally, the Defendant alleges that he can't be convicted and sentenced for both Manslaughter With A Firearm and Shooting Into An Occupied Vehicle because they are part of a single course of conduct. A Writ of Habeas Corpus is not the proper vehicle for obtaining additional appeals of issues which were raised or should have been raised on direct appeal, which were waived at trial, or which could have, should have, or have already been raised in postconviction proceedings pursuant to Fla. R. Crim. P. 3.850. See White v. Dugger, 511 So. 2d 554 (Fla. 1987).

Therefore, it is **ORDERED AND ADJUDGED** that the Petitioner's Petition is hereby **DISMISSED**.

DONE AND ORDERED in Bartow, Polk County, Florida, on this JUL 27 2017 day
of _____, 2017.

/s/ DONALD G. JACOBSEN

DONALD G. JACOBSEN, Chief Judge

cc:
Obelin Jaimes Aviles #H32720
Wakulla Correctional Institution
110 Melaleuca Dr.
Crawfordville, FL 32327

State Attorney's Office

DGJ/drb

**Additional material
from this filing is
available in the
Clerk's Office.**