

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. ) Case No. 2D18-1036  
STATE OF FLORIDA, )  
Appellee. )  
\_\_\_\_\_  
)

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 July, 2017. ROBERT S. JACOBSEN

/s/ DONALD G. JACOBSEN

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**DONALD G. JACOBSEN**, Chief Judge

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cc:  
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## State Attorney's Office

DGJ/dr<sub>b</sub>

July 22, 1910

App. B

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