

Third District Court of Appeal

State of Florida

Opinion filed July 3, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-1183
Lower Tribunal No. 07-27539

Henry Cyrus Lucas,
Petitioner,

vs.

The State of Florida,
Respondent.

A case of Original Jurisdiction-Habeas Corpus.

Henry C. Lucas, in proper person.

Ashley Moody, Attorney General, for respondent, the State of Florida.

Before SALTER, FERNANDEZ, and MILLER, JJ.

PER CURIAM.

Henry Cyrus Lucas petitions this Court for a writ of habeas corpus alleging ineffective assistance of appellate counsel. We dismiss the petition as procedurally barred under Florida Rule of Appellate Procedure 9.141(d)(5). See Fla. R. App. P. 9.141(d)(5) (“In no case shall a petition alleging ineffective assistance of appellate counsel on direct review be filed more than [four] years after the judgment and sentence become final on direct review.”); Torres v. Inch, No. 3D19-0402 (Fla. 3d DCA April 24, 2019) (dismissing petition for writ of habeas corpus alleging ineffective assistance of appellate counsel as untimely as it was filed more than four years after defendant’s judgment and sentence became final on direct review); Mendoza v. State, 224 So. 3d 836, 837 (Fla. 3d DCA 2017) (“Because [defendant’s] petition was filed on May 7, 2017—more than four years after his judgment and sentence became final on direct review, we dismiss [defendant’s] petition as procedurally barred under rule 9.141(d)(5).”).

Dismissed.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT

JULY 30, 2019

HENRY CYRUS LUCAS
Appellant(s)/Petitioner(s),
vs.
THE STATE OF FLORIDA
Appellee(s)/Respondent(s),

CASE NO.: 3D19-1183
L.T. NO.: 07-27539

Upon consideration, appellant's motion for rehearing is hereby
denied.

SALTER, FERNANDEZ and MILLER, JJ., concur.

A True Copy
ATTEST
Mercedita M. Puerto
CLERK
DISTRICT COURT OF APPEAL
THIRD DISTRICT

cc: Michael W. Mervine

Office Of Attorney
General

Henry Cyrus Lucas

dm

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