

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JULY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

JARVIS HAYNES,

Appellant,

v.

Case No. 5D13-1391

STATE OF FLORIDA,

Appellee.

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Opinion filed August 30, 2013

Appeal from the Circuit Court  
for Orange County,  
Walter Komanski, Judge.

Jarvis Ramon Haynes, Clermont, pro  
se, Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Bonnie Jean Parrish,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

AFFIRMED. See *Wright v. State*, 857 So. 2d 861, 874 (Fla. 2003) ("Habeas corpus should not be used as a vehicle for presenting issues which should have been raised at trial and on appeal or in postconviction proceedings."); see also *McCloud v. State*, 335 So. 2d 257, 259 (Fla. 1976) (holding that where defendant charged with felony murder -- with robbery as the underlying felony -- was found guilty of the lesser included offense of manslaughter, but also separately found guilty of robbery, "that fact

does not lead to a conclusion that the robbery sentence must be vacated . . . [because] the jury simply may have found the felony-murder rule too harsh in this situation [and exercised its jury pardon power].") *Gonzalez v. State*, 449 So. 2d 882, 887-89 (Fla. 3d DCA 1984) (same); *also cf. Dross v. State*, 915 So. 2d 203 (Fla. 5th DCA 2005) (citing *McCloud* and holding that a verdict of acquittal on a charge of felony murder, with aggravated child abuse as the underlying felony, was not truly inconsistent with the jury's conviction on the separate count charging aggravated child abuse).

SAWAYA, ORFINGER and LAWSON, JJ., concur.