

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

WILLIE JAMES BILLUE,

Appellant,

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

v.

CASE NO. 1D05-5738

LIBERTY CORRECTIONAL
INSTITUTION, FLORIDA
DEPARTMENT OF CORRECTIONS

Appellee.

_____ /

Opinion filed November 8, 2006.

An appeal from the Circuit Court for Liberty County.
George S. Reynolds, III, Judge.

Willie James Billue, pro se, Appellant.

Charlie Crist, Attorney General, and Anne C. Conley, Assistant Attorney General,
Tallahassee; Rosa Carson, General Counsel, Department of Corrections for Appellee.

PER CURIAM.

Appellant, Willie James Billue, appeals the trial court's denial of his petition for writ of habeas corpus. Because Appellant did not file his petition in the sentencing court, the trial court lacked jurisdiction to consider his petition. See Johnson v. State,

933 So. 2d 651 (Fla. 1st DCA 2006) (citing Crockett v. Singletary, 723 So. 2d 911 (Fla. 1st DCA 1999)). We therefore affirm the trial court's denial of Appellant's petition without prejudice for him to file a proper postconviction motion in the sentencing court.

AFFIRMED.

WOLF, LEWIS and THOMAS, JJ., CONCUR.