

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

TONY BARBER,
Petitioner,

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

v.

CASE NO. 1D09-3516

STATE OF FLORIDA,
Respondent.

_____ /

Opinion filed August 28, 2009.

Petition for Habeas Corpus and/or Motion for Belated Appeal -- Original
Jurisdiction.

Tony Barber, pro se, Petitioner.

Bill McCollum, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

The petition seeking belated appeal is denied on the merits. Petitioner's claims concerning alleged errors by the trial court and ineffectiveness on the part of his trial counsel are denied inasmuch as these are matters properly raised by motion for postconviction relief, and habeas corpus will not lie as a substitute for such a motion. See Brown v. Crosby, 908 So. 2d 512 (Fla. 1st DCA 2005).

HAWKES, C.J., WOLF and BROWNING, JJ., CONCUR.