

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

ROBERT GORHAM,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-4271

[May 2, 2007]

PER CURIAM.

Affirmed. Gorham filed a petition for writ of habeas corpus in the trial court, raising the issue of the proper release date to be used from his conviction in Palm Beach County for purposes of application of the Prison Releasee Reoffender statute to a new conviction and sentence imposed upon him in Okeechobee County. The trial court properly denied the petition, as Gorham is not being detained in Okeechobee County based upon the conviction in Palm Beach County, and the Palm Beach County circuit court did not determine the applicable release date. This same issue is being raised in Gorham's appeal of his conviction and sentence in Okeechobee County, which is the proper way to present the issue to this court.

GUNTHER, WARNER and POLEN, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Sandra K. McSorley, Judge; L.T. Case No. 87-12426 CFA02.

Robert Gorham, Lake City, pro se.

Bill McCollum, Attorney General, Tallahassee, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.