

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

ULYSSES JACKSON, JR.,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-4998

[May 2, 2007]

PER CURIAM.

Affirmed. Appellant's challenges to his 1972 conviction are untimely and successive. He also contends that the trial court lacked subject matter jurisdiction to try him a second time without first determining the manifest necessity of declaring a mistrial in the first prosecution. This is not an issue of subject matter jurisdiction but of double jeopardy, which was not violated because the new trial was the result of a hung jury in the first trial. *See, e.g., McCulloch v. State*, 859 So. 2d 531 (Fla. 4th DCA 2003).

WARNER, FARMER and HAZOURI, JJ., concur.

* * *

Appeal of orders denying rule 3.850 motions from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ilona M. Holmes, Judge; L.T. Case No. 72-23091 CF10A.

Ulysses Jackson, Jr., Polk City, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.