

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

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

BROADUS STALLINGS,

Petitioner,

v.

Case No. 5D16-316

STATE OF FLORIDA,

Respondent.

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Opinion filed June 3, 2016

Petition Alleging Ineffectiveness  
of Appellate Counsel,  
A Case of Original Jurisdiction.

Broadus Stallings, Lake City, pro se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Kaylee Tatman Assistant  
Attorney General, Daytona Beach, for  
Respondent.

PER CURIAM.

Broadus Stallings petitions this Court seeking a belated appeal. His petition is precluded, however, by his prior timely appeal. See Stallings v. State, 172 So. 3d 886 (Fla. 5th DCA 2015). While Stallings's intent in filing the petition might have been to challenge the effectiveness of his appellate counsel, a petition seeking a belated appeal is not the proper vehicle for such a challenge. See Rutherford v. Moore, 774 So. 2d 637, 643 (Fla. 2000) (explaining that habeas petitions are the proper means to present claims of ineffective assistance of appellate counsel).

PETITION DISMISSED.

TORPY, COHEN and WALLIS, JJ., concur.