

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

VANTICE LEE BESHEARS, JR.,

Petitioner,

v.

Case No. 5D16-3520

STATE OF FLORIDA,

Respondent.

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Opinion filed October 28, 2016

Petition for Writ of Habeas Corpus,  
A Case of Original Jurisdiction.

Vantice Lee Beshears, Jr., Ocala, pro se.

No Appearance for Respondent.

PER CURIAM.

Vantice Lee Beshears, Jr., petitions this court seeking a writ of habeas corpus, challenging the trial court's denial of his motion for post-trial release. We note that, pursuant to Florida Rule of Appellate Procedure 9.140(h), appeals concerning post-trial release must be raised by a motion in this court, not as a petition for habeas relief. Hirsch v. State, 864 So. 2d 41 (Fla. 5th DCA 2003); DeGolyer v. Wainwright, 318 So. 2d 518, 519 (Fla. 1st DCA 1975). Accordingly, we construe the petition as a motion and deny it without further discussion.

PETITION CONSTRUED as MOTION and DENIED.

SAWAYA, EVANDER and WALLIS, JJ., concur.