

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

JULY TERM 2006

LEROY WILLIAMS, JR.,

Petitioner,

v.

Case No. 5D06-2286

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed August 25, 2006

Petition for Certiorari Review of Order
from the Circuit Court for Orange County,
Jay Paul Cohen, Judge.

Leroy Williams, Jr., Lake City, Pro Se.

No Appearance for Respondent.

PER CURIAM.

We treat the petition for certiorari seeking review of the denial of a habeas corpus petition in the circuit court as an appeal and affirm. Williams, convicted of first-degree murder in 1994, cannot utilize a habeas corpus petition as a substitute for a timely motion under Florida Rule of Criminal Procedure 3.850. See Richardson v. State, 918 So. 2d 999, 1003-04 (Fla. 5th DCA 2006).

AFFIRMED.

PALMER, ORFINGER and LAWSON, JJ., concur.