

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

FREDERICK WEBSTER,

Appellant,

v.

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

CASE NO. 1D04-0520

PAUL DECKER, WARDEN,  
UNION CORRECTIONAL  
INSTITUTION,

Appellee.

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Opinion filed March 24, 2005.

An appeal from the Circuit Court for Union County.  
Stan R. Morris, Judge.

Appellant, pro se.

Charles J. Crist, Jr., Attorney General, and Anne C. Conley, Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

Frederick Webster filed a petition for writ of habeas corpus in Union County  
Circuit Court, on August 1, 2003, claiming that the indictment against him charging

burglary and felony murder was invalid, because the offenses were committed in more than one county and thus a statewide grand jury had subject-matter jurisdiction rather than the Broward County grand jury. The trial court dismissed the petition. Webster had earlier raised the identical issue in a petition for writ of habeas corpus filed in this court on February 1, 2002, which this court denied for the same reasons – because it is meritless, and it should have been raised at trial or on direct appeal. A successive habeas petition that raises the same issue is procedurally barred. See Phillips v. State, 29 Fla. L. Weekly S585 (Fla. Oct. 10, 2004); Moss v. Singletary, 705 So. 2d 947 (Fla. 1st DCA 1998).

AFFIRMED.

ERVIN, KAHN and BENTON, JJ., CONCUR.