

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

VERNON GOINS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D05-4904

Opinion filed November 30, 2005.

Petition for Writ of Habeas Corpus -- Original Jurisdiction.

Vernon Goins, pro se, petitioner.

Charlie Crist, Attorney General, Tallahassee, for respondent.

PER CURIAM.

Vernon Goins petitions for a writ of habeas corpus and argues that his criminal conviction was obtained by the state's knowing use of perjured testimony and concealment of evidence favorable to the defense. He further contends that he only recently learned of these circumstances and that he could not have discovered the facts earlier.

A collateral attack on a criminal conviction based on newly discovered evidence must be made by a motion for postconviction relief filed in the trial court. Ortiz v. State, 895 So. 2d 1100 (Fla. 3d DCA 2004). Accordingly, the instant petition is denied without prejudice to Goins' right to pursue that remedy.

PETITION DENIED.

DAVIS, BROWNING and LEWIS, JJ., concur.