

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2011

PATRICK WACTOR,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D10-2412

[July 20, 2011]

PER CURIAM.

Affirmed. The trial court correctly denied appellant's petition for writ of habeas corpus, as it was in actuality an untimely motion for postconviction relief from his conviction and sentence, which were final in 1996. It is also without merit. *See Howell v. State*, 45 So. 3d 527 (Fla. 1st DCA 2010); *Early v. State*, 678 So. 2d 901 (Fla. 5th DCA 1996).

WARNER, POLEN and TAYLOR, JJ., concur.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Kenneth Gillespie, Judge; L.T. Case No. 96-17371 CF10A.

Patrick Wactor, Daytona Beach, pro se.

No appearance for appellee.

Not final until disposition of timely filed motion for rehearing.