

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DUANE SAUSVILLE,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D03-688

Opinion filed May 30, 2003.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Pasco County; Maynard F. Swanson,
Judge.

NORTHCUTT, Judge.

Duane Sausville challenges the denial of his petition for writ of habeas corpus. We reverse and remand.

Sausville was sentenced in Pinellas County to two concurrent life sentences. He filed a petition for writ of habeas corpus in Pasco County, where he is housed. The circuit court treated Sausville's petition as a motion for postconviction relief attacking his sentence. As such, however, the motion should have been filed in Pinellas County; the Pasco County circuit court did not have the authority to address

Sausville's motion as an attack on his sentence. Therefore, we reverse and direct the circuit court on remand either to dismiss Sausville's motion as attacking a conviction in a county other than the one in which he was convicted, or to transfer it to Pinellas County.

Reversed and remanded.

STRINGER and CANADY, JJ., Concur.