

Third District Court of Appeal

State of Florida

Opinion filed September 12, 2018.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-1170
Lower Tribunal No. 02-1358

Robert L. Jackson,
Petitioner,

vs.

The State of Florida,
Respondent.

A Case of Original Jurisdiction – Habeas Corpus.

Robert L. Jackson, in proper person.

Pamela Jo Bondi, Attorney General, and Jeffrey R. Geldens, Assistant Attorney General, for respondent.

Before SALTER, EMAS and LOGUE, JJ.

PER CURIAM.

We dismiss, as untimely, the petition for writ of habeas corpus alleging ineffective assistance of appellate counsel. See Fla. R. App. P. 9.141(d)(5) (providing: “A petition alleging ineffective assistance of appellate counsel on direct review shall not be filed more than 2 years after the judgment and sentence become final on direct review unless it alleges under oath with a specific factual basis that the petitioner was affirmatively misled about the results of the appeal by counsel. In no case shall a petition alleging ineffective assistance of appellate counsel on direct review be filed more than 4 years after the judgment and sentence become final on direct review”); Forisso v. State, 968 So. 2d 677 (Fla. 4th DCA 2007) (the pendency of collateral postconviction relief proceedings does not toll the time period within which to file a claim for ineffective assistance of appellate counsel).