

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed July 31, 2019.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-921  
Lower Tribunal No. 06-22697

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**Alberto A. Reyes,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An appeal from the Circuit Court for Miami-Dade County, Mark Blumstein,  
Judge.

Alberto Reyes, in proper person.

Ashley Moody, Attorney General, and Magaly Rodriguez, Assistant Attorney  
General, for appellee.

Before SALTER, MILLER, and GORDO, JJ.

PER CURIAM.

Affirmed. See Reyes v. State, 227 So. 3d 588 (Fla. 3d DCA 2017); see also Baker v. State, 878 So. 2d 1236, 1245 (Fla. 2004) (“The remedy of habeas corpus is not available in Florida to obtain the kind of collateral postconviction relief available by motion in the sentencing court pursuant to rule 3.850.”) (citation omitted); Johnson v. State, 267 So. 3d 10, 11-12 (Fla. 4th DCA 2019) (affirming the denial of an unauthorized petition for habeas corpus where the proper Florida Rule of Criminal Procedure 3.850 motion would have been dismissed as successive and untimely); Bueno v. Bueno de Khawly, 677 So. 2d 3, 4 (Fla. 3d DCA 1996) (The “doctrine [of law of the case states] that those points of law adjudicated in a prior appeal are binding in order to promote stability of judicial decisions and to avoid piecemeal litigation.”) (citation omitted); Mitzenmacher v. Mitzenmacher, 656 So. 2d 178, 179 (Fla. 3d DCA 1995) (“A per curiam decision of the appellate court is the law of the case between the same parties on the same issues and facts, and determines all issues necessarily involved in the appeal, whether mentioned in the court’s opinion or not.”) (citations omitted); Fla. R. Crim. Pro. 3.850(h)(2) (“[A] court may dismiss a second or successive motion if the court finds that it fails to allege new or different grounds for relief and the prior determination was on the merits.”).