

Third District Court of Appeal

State of Florida

Opinion filed March 31, 2021.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-1820
Lower Tribunal No. F86-2860B

Luther Keith Evans,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.315(a) from the Circuit Court for Miami-Dade County, Lody Jean, Judge.

Luther Keith Evans, in proper person.

Ashley Moody, Attorney General, for appellee.

Before EMAS, C.J., and LINDSEY and BOKOR, JJ.

PER CURIAM.

Luther Keith Evans appeals from the trial court's order denying his petition for writ of habeas corpus, by which Evans sought to challenge, as a manifest injustice, the life sentence imposed in 1988 following his conviction for attempted first-degree murder, a life felony. We affirm. See Baker v. State, 878 So. 2d 1236, 1241 (Fla. 2004) (reaffirming the well-established principles that "habeas corpus may not be used as a substitute for an appropriate motion seeking postconviction relief, . . . [n]or can habeas corpus be used as a means to seek a second appeal or to litigate issues that could have been or were raised in a motion under rule 3.850") (citations omitted); Beiro v. State, 289 So. 3d 511, 511 (Fla. 3d DCA 2019) (noting: "The mere incantation of the words 'manifest injustice' does not make it so.") See also Evans v. State, 545 So. 2d 452 (Fla. 3d DCA 1989) (affirming the 1988 life sentence challenged by appellant in the instant appeal).

Affirmed.