

Third District Court of Appeal

State of Florida

Opinion filed September 8, 2021.
Not final until disposition of timely filed motion for rehearing.

No. 3D21-1722
Lower Tribunal No. F93-36795

Wilbur L. Mitchell,
Petitioner,

vs.

The State of Florida,
Respondent.

A Case of Original Jurisdiction – Habeas Corpus.

Wilbur L. Mitchell, in proper person.

Ashley Moody, Attorney General, for respondent.

Before MILLER, LOBREE and BOKOR, JJ.

PER CURIAM.

Petitioner seeks habeas corpus relief raising an argument which he has raised in multiple previous appeals or petitions. Petitioner may not

rephrase or re-raise the same argument, or variations thereof, multiple times. Additionally, Petitioner cannot seek relief on an issue adjudicated by this Court by recasting what would be a successive (or otherwise improper) postconviction collateral appeal as a habeas corpus petition. See, e.g., 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.”); see also Mitchell v. State, No. 3D20-1702, 2021 WL 48217 (Fla. Jan. 6, 2021) (affirming postconviction appeal on same grounds).
Petition dismissed.