

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, A.D. 2001

RUSSELL TATE,

\*\*

Petitioner,

\*\* CASE NO. 3D01-2119

vs.

\*\* LOWER

MICHAEL W. MOORE, SEC. FLA.  
DEPT. CORR., etc.,

\*\* TRIBUNAL NOS. 94-26099

95-38454

\*\*

Respondent.

\*\*

Opinion filed November 21, 2001.

A Case of Original Jurisdiction - Habeas Corpus.

Russell Tate, in proper person.

Robert A. Butterworth, Attorney General, and Frank J.  
Ingrassia, Assistant Attorney General, for respondent.

Before JORGENSON, LEVY, and GODERICH, JJ.

PER CURIAM.

Defendant seeks a writ of habeas corpus. We deny the petition,  
as defendant is not entitled to relief under Heggs v. State, 759 So.2d

620 (Fla. 2000). See Dunenas v. Moore, 762 So. 2d 1007 (Fla. 3d DCA 2000) (holding that where negotiated plea not conditioned upon sentencing guidelines and does not exceed statutory maximum, sentence not unlawful under Heggs).

Petition denied.