

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. 2005

ISRAEL CAMELLON,

**

Petitioner,

** CASE NO. 3D05-714

vs.

**

THE STATE OF FLORIDA,

**

Respondent.

** LOWER TRIBUNAL
CASE NO. F04-35993

Opinion filed December 28, 2005.

A case of original jurisdiction - Habeas corpus.

Israel Camellon, in proper person.

Charles J. Crist, Jr., Attorney General, and Fredericka
Sands and Olga L. Villa, Assistant Attorneys General, for
respondent.

Before FLETCHER, RAMIREZ, and SUAREZ, JJ.

PER CURIAM.

In this purported habeas corpus proceeding, Israel Camellon
claims that he was denied due process by not having appellate
counsel appointed during an evidentiary hearing of a post-

conviction relief motion. We observe, however, that not only is Camellon's petition for writ of habeas corpus procedurally barred, the record reflects that no request was made by Camellon for a court appointed counsel for his post-conviction evidentiary hearing, thus the court cannot be said to have abused its discretion by not appointing counsel.¹

The petition is denied.

¹ Wheeler v. State, 807 So. 2d 94 (Fla. 1st DCA 2002).