

Third District Court of Appeal

State of Florida, July Term, A.D. 2012

Opinion filed November 14, 2012.
Not final until disposition of timely filed motion for rehearing.

No. 3D12-2720
Lower Tribunal No. 94-8915A

Delbis Diaz a/k/a Jose Vidal,
Petitioner,

vs.

The State of Florida,
Respondent.

A Case of Original Jurisdiction – Habeas Corpus.

Delbis Diaz a/k/a/ Jose Vidal, in proper person.

Pamela Jo Bondi, Attorney General and Richard L. Polin, Assistant Attorney General, for respondent.

Before WELLS, C.J., and LAGOA, J., and SCHWARTZ, Senior Judge.

WELLS, Chief Judge.

We treat the instant petition for writ of habeas corpus as a petition for belated appeal from an order dated February 10, 2011, which denied Delbis Diaz a/k/a Jose Vidal's February 7, 2011, motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. We also treat the brief filed by Diaz in an earlier petition for belated appeal related to the same order (filed under case number 3D11-2042) as his brief herein and, finding no merit in the arguments made therein, affirm the order entered below denying his motion.