

Third District Court of Appeal

State of Florida, January Term, A.D. 2009

Opinion filed April 29, 2009.
Not final until disposition of timely filed motion for rehearing.

No. 3D08-881
Lower Tribunal No. 77-4554

Vernon Pittman,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Jacqueline Hogan Scola, Judge.

Vernon Pittman, in proper person.

Bill McCollum, Attorney General, and Richard L. Polin, Chief Assistant Attorney General, for appellee.

Before COPE, SUAREZ, and ROTHENBERG, JJ.

ROTHENBERG, J.

Vernon Pittman (“Pittman”) appeals the trial court’s order denying his petition for writ of habeas corpus premised on Pittman’s claim that the thirty-year sentence he received for a 1971 second degree murder conviction violated his due process and double jeopardy rights. Because Pittman raised these arguments in two previous motions, which were denied by the trial court, and affirmed by this Court on appeal, and the petition under review does not contain any new allegations, we affirm on the basis of collateral estoppel and/or law of the case. See State v. McBride, 848 So. 2d 287 (Fla. 2003).

Because the additional claims raised in Pittman’s brief were not raised below, they are not properly before this Court on appeal. We, therefore, decline to address them on appeal. See Harrell v. State, 894 So. 2d 935 (Fla. 2005); Robertson v. State, 829 So. 2d 901 (Fla. 2002).

Affirmed.