

Third District Court of Appeal

State of Florida, January Term, A.D. 2008

Opinion filed June 4, 2008.

Not final until disposition of timely filed motion for rehearing.

No. 3D08-1058

Consolidated: 3D08-1057

Lower Tribunal No. 01-315

Jerald Gipson,

Appellant,

vs.

The State of Florida,

Appellee.

Appeals under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Bertila Soto, Judge.

Jerald Gipson, in proper person.

Bill McCollum, Attorney General, for appellee.

Before COPE, WELLS and LAGOA, JJ.

PER CURIAM.

Affirmed. See Fla. R. Crim. P. 3.850(b) (imposing a two-year time limit to file a motion for postconviction relief after the judgment and sentence become final in a non-capital case); Griffin v. State, 976 So. 2d 107, 108 (Fla. 3d DCA 2008) (noting that “[a] petition for habeas corpus cannot substitute for a rule 3.850 motion, nor may it be used to circumvent a rule 3.850 motion barred by the two-year limitations period or the proscription against successive motions”) (citation omitted).