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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA

v.

Case No. CRC 89-11425 CFANO-B

KEVIN HERRICK

Defendant.

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file  
Cubize*

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OFFICE OF ATTORNEY GENERAL

JAN 07 1998  
CRIMINAL DIVISION  
TAMPA, FLORIDA

ORDER DENYING MOTION FOR POST-CONVICTION RELIEF

THIS CAUSE having come before the Court on Defendant's pro se Motion for Post-Conviction Relief, and the Court having considered the Motion, Court file, and Records, finds:

Defendant has already filed a motion for post-conviction relief which alleged ineffective assistance of counsel, the motion was denied, and Defendant appealed to the Second District Court of Appeal and the order denying the motion was affirmed. See Exhibit 1. The present motion again alleges ineffective assistance of counsel, but on a separate issue. Defendant is not permitted to raise claims of ineffective assistance of counsel on a piecemeal basis. Jones v. State, 591 So. 2d 911 (Fla. 1991). Defendant has failed to specifically justify why the issue raised in the second motion was not included in the first motion. Torres v. State, 554 So. 2d 1230 (Fla. 2d DCA 1990); See also, Spaziano v. State, 545 So. 2d 843 (Fla. 1989). Therefore, Defendant is not entitled to relief.

Accordingly, it is

ORDERED AND ADJUDGED that Defendant's pro se Motion is hereby DENIED.

Defendant is hereby advised of his right to appeal the denial of his Motion within 30 days from the date of this Order.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this 5 day of ~~May~~ <sup>JUNE</sup>, 1995.

/s/ SUSAN F. SCHAEFFER

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Circuit Judge

cc: State Attorney

Kevin Richard Herrick 240583  
Desoto Correctional Institution  
P.O. Box: 1072  
Arcadia, FL 33821