

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

JOSE PRIDE,

Appellant,

v.

CASE NO. 1D07-5154

STATE OF FLORIDA,

Appellee.

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Opinion filed July 8, 2009.

An appeal from the Circuit Court for Gadsden County.  
Thomas H. Bateman, III, Judge.

Jose Pride, pro se, Appellant.

Bill McCollum, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

We affirm the trial court's denial of the appellant's motion for postconviction relief. However, the trial court indicated that any further postconviction motions regarding the underlying case will not be entertained. If a trial court wishes to bar the appellant from filing further postconviction motions, it must follow the dictates of State v. Spencer, 751 So. 2d 47 (Fla. 1999), and provide

the defendant with notice and an opportunity to respond through issuance of a show cause order. Accordingly, we affirm on the merits but reverse and remand for the trial court to comply with the requirements of Spencer.

AFFIRMED in part; REVERSED in part and REMANDED for proceedings consistent with this opinion.

BARFIELD, DAVIS, and ROBERTS, JJ., CONCUR.