

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2010*

**OTTO DONNIE HARTMAN,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D09-5005

[ December 8, 2010 ]

PER CURIAM.

We affirm the trial court's order of October 23, 2009, which dismisses appellant's "letter/motion" as frivolous and forwards a copy of the order to the Department of Corrections. *See Johnson v. State*, 44 So. 3d 198 (Fla. 4th DCA Sept. 15, 2010). That order does not include language barring future pro se filings in the circuit court. *See State v. Spencer*, 751 So. 2d 47 (Fla. 1999); *Fitzgerald v. State*, 18 So. 3d 1145 (Fla. 3d DCA 2009); *Epps v. State*, 941 So. 2d 1206 (Fla. 4th DCA 2006); *see also Thomas v. State*, 1 So. 3d 194 (Fla. 4th DCA 2008). This court's affirmance does not prevent appellant from seeking review of any such order issued by the trial court.

*Affirmed.*

STEVENSON, TAYLOR and LEVINE, JJ., concur.

\* \* \*

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; William L. Roby, Judge; L.T. Case No. 561997CF001612A.

Otto Donnie Hartman, Raiford, pro se.

Bill McCollum, Attorney General, Tallahassee, and Don M. Rogers, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***