

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

ASTLEY THOMAS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D12-1900

[December 19, 2012]

PER CURIAM.

We affirm the trial court's dismissal of appellant's untimely and successive motion for postconviction relief. The motion attempted to raise the procedurally barred claim that appellant was incompetent during his trial, which occurred in 2000. *See Thompson v. State*, 88 So. 3d 312, 316 (Fla. 4th DCA 2012) (citing *Nelson v. State*, 43 So. 3d 20, 33 (Fla. 2010)). Appellant has filed numerous postconviction challenges and appeals. Appellant was recently cautioned against frivolous filing in case number 4D11-4522. He is again cautioned. The filing of frivolous postconviction challenges and appeals will result in sanctions, including referral to prison officials for disciplinary proceedings and/or a prohibition on pro se filing in this court. *See State v. Spencer*, 751 So. 2d 47 (Fla. 1999); § 944.279(1), Fla. Stat. (2012).

Affirmed; appellant cautioned against frivolous filing.

HAZOURI, LEVINE and CONNER, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert L. Pegg, Judge; L.T. Case No. 311998CF000707A.

Astley Thomas, Crestview, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.