

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

STEPHAN K. STUCKEY,

Appellant,

v.

Case No. 5D19-2941

STATE OF FLORIDA,

Appellee.

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Opinion filed November 13, 2020

3.850 Appeal from the Circuit  
Court for Seminole County,  
Marlene M. Alva, Judge.

Stephan K. Stuckey, Daytona Beach, pro  
se.

Ashley Moody, Attorney General,  
Tallahassee, and Pamela J. Koller,  
Assistant Attorney General, Daytona  
Beach, for Respondent.

COHEN, J.

In 2009, this Court affirmed Appellant's judgment and sentence that resulted from his conviction in Seminole County Circuit Court case number 2004-CF-0307-A. Since that time, Appellant, acting pro se, has filed several cases in this Court seeking reversal of his judgment and sentence. He has filed two petitions for ineffective assistance of appellate counsel, one petition for writ of prohibition, and two appeals of the denial of his Florida Rule of Criminal Procedure 3.850 motions for postconviction relief that raised multiple

grounds, all of which required use of this Court's limited resources and all of which lacked merit.

Due to Appellant's apparent abuse of the legal process by his abusive, repetitive, malicious, or frivolous pro se filings attacking his judgment and sentence in Seminole County Circuit Court Case No. 2004-CF-0307-A, this Court issued an order directing Appellant to show cause why he should not be prohibited from future pro se filings. See State v. Spencer, 751 So. 2d 47, 48 (Fla. 1999). Having carefully considered the response and finding it fails to show cause why sanctions should not be imposed, we conclude that Appellant is abusing the judicial process and should be barred from further pro se filings.

In order to conserve judicial resources, Appellant is prohibited from filing with this Court any further pro se filings concerning Seminole County Circuit Court Case No. 04-CF-0307-A. The Clerk of this Court is directed not to accept any further pro se filings concerning the referenced case. The Clerk will summarily reject any future filings regarding the referenced case unless filed by a member in good standing of The Florida Bar. See Isley v. State, 652 So. 2d 409, 411 (Fla. 5th DCA 1995) ("Enough is enough."). The Clerk is further directed to forward a certified copy of this opinion to the appropriate institution for consideration of disciplinary proceedings. See § 944.279(1), Fla. Stat. (2019); Simpkins v. State, 909 So. 2d 427, 428 (Fla. 5th DCA 2005).

Further Pro Se Filings PROHIBITED.

ORFINGER, J., concurs.  
EISNAUGLE, J., dissents with opinion.

While reasonable minds might differ on this issue, having considered Appellant's current initial brief, his previous filings in this court, and his response to our order to show cause, I would not impose a Spencer sanction at this time. Cf. Steele v. State, 14 So. 3d 221, 222 (Fla. 2009).