

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

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

EUGENE BARNES,

Appellant,

v.

Case No. 5D21-309

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed April 9, 2021

3.800 Appeal from the Circuit
Court for Marion County,
Steven G. Rogers, Judge.

Eugene Barnes, Orlando, pro se.

No Appearance for Appellee.

PER CURIAM.

Appellant appeals the postconviction court's denial of his Florida Rule of Criminal Procedure 3.800(a) motion for postconviction relief in Marion County Circuit Court Case No. 1999-CF-4040, raising the same claim this Court rejected in 2019. Barnes v. State, 274 So. 3d 385 (Fla. 5th DCA 2019).

We affirm the postconviction court's order and caution Appellant that abusive, repetitive, malicious, or frivolous filings directed to Marion County Circuit Court Case No. 1999–CF–4040 may result in sanctions such as a bar on pro se filing in this Court and referral to prison officials for disciplinary proceedings, which may include forfeiture of gain time. See § 944.279(1), Fla. Stat. (2019); State v. Spencer, 751 So. 2d 47 (Fla. 1999).

AFFIRMED; APPELLANT CAUTIONED.

WALLIS, EDWARDS, and HARRIS, JJ., concur.