

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

CHARLIE J. BURROUGHS,

Petitioner,

v.

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

CASE NO. 1D11-3464

STATE OF FLORIDA,

Respondent.

Opinion filed July 22, 2011.

Petition Alleging Ineffective Assistance of Appellate Counsel -- Original
Jurisdiction.

Charlie J. Burroughs, pro se, Petitioner.

Pamela Jo Bondi, Attorney General, Tallahassee, for Respondent.

PER CURIAM.

For the third time, Charlie Burroughs petitions the court for relief on the
theory that his appellate counsel was ineffective for failing to challenge the

sufficiency of the evidence. Burroughs' first petition raising this claim was untimely and denied as such. His second petition was likewise untimely, failed to allege any meritorious basis for an exception to the time limitation, and in addition was determined to be impermissibly successive. Burroughs has now presented the same claim again, and as with his last petition, we determine that this claim is procedurally barred both as untimely under rule 9.141(d)(5) and impermissibly successive under rule 9.141(d)(6)(C). Petitioner is cautioned that the filing of any further procedurally barred petitions claiming that appellate counsel was ineffective in this case may result in the imposition of sanctions, including but not limited to an order prohibiting petitioner from filing any further pro se pleadings in this court.

Petition alleging ineffective assistance of appellate counsel DENIED and DISMISSED.

VAN NORTWICK, WETHERELL, and ROWE, JJ., CONCUR.