

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-4485

RICHARD L. DUMAS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Escambia County.
Gary L. Bergosh, Judge.

July 20, 2020

PER CURIAM.

AFFIRMED. *See Gary v. State*, 276 So. 3d 401, 402 (Fla. 1st DCA 2019) (holding that a Florida Rule of Criminal Procedure 3.800(a) motion is not the proper means to challenge the procedure leading to a defendant's designation as a habitual felony offender).

The Court has determined that this appeal is frivolous. Appellant is warned that any of his future filings that the Court determines to be frivolous may result in the imposition of sanctions, including a prohibition against any further pro se filings in this Court and a referral to the appropriate institution for disciplinary procedures. *See* § 944.279, Fla. Stat. (2019) (providing that “[a] prisoner who is found by a court to have brought a frivolous or malicious suit, action, claim, proceeding, or appeal . . .

or to have brought a frivolous or malicious collateral criminal proceeding . . . is subject to disciplinary procedures pursuant to the rules of the Department of Corrections”).

ROWE, MAKAR, and TANENBAUM, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Richard L. Dumas, pro se, Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.