

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-225

LARRY R. PRUNTY,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Alachua County.
Mark W. Moseley, Judge.

August 28, 2020

PER CURIAM.

AFFIRMED. *See* Fla. R. Crim. P. 3.850(b)(1) (providing that Rule 3.850 motions must be filed within two years after the judgment and sentence become final unless “the facts on which the claim is predicated were unknown to the movant or the movant’s attorney and could not have been ascertained by the exercise of due diligence, and the claim is made within 2 years of the time the new facts were or could have been discovered with the exercise of due diligence”); Fla. R. Crim. P. 3.850(h)(2) (providing that “a court may dismiss a second or successive motion if the court finds that it fails to allege new or different grounds for relief and the prior determination was on the merits”).

This is Appellant’s fourth postconviction appeal or petition following his 2012 judgment and sentence for home invasion robbery. Appellant is warned that any future filings that this Court determines to be frivolous or malicious 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 . . . is subject to disciplinary procedures pursuant to the rules of the Department of Corrections”).

ROWE, WINOKUR, and NORDBY, JJ., concur.

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

Larry R. Prunty, pro se, Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.