

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D20-599

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BARRY MCINTOSH,

Petitioner,

v.

MARK S. INCH, Secretary,  
Department of Corrections,

Respondent.

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Petition for Writ of Certiorari—Original Jurisdiction.

September 22, 2021

PER CURIAM.

The Court denies the petition for writ of certiorari on the merits. *See Topps v. State*, 865 So. 2d 1253, 1258 (Fla. 2004) (explaining that a decision on an extraordinary writ petition that “clearly shows that the issue was considered by the court on the merits” is deemed a decision “which would later bar the litigant from presenting the issue under the doctrines of res judicata or collateral estoppel”).

LEWIS, MAKAR, and BILBREY, JJ., concur.

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

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Barry McIntosh, pro se, Petitioner.

Ashley Moody, Attorney General, and Gecelyne S. Dixon, Assistant Attorney General, Tallahassee, for Respondent.