

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D21-1081

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JOSEPH RAGAN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Leon County.  
Kevin J. Carroll, Judge.

November 17, 2021

PER CURIAM.

Joseph Ragan appeals an order summarily denying his motion to correct illegal sentence filed under Florida Rule of Criminal Procedure 3.800(a). Ragan asserted that his two, consecutive forty-five-year sentences for armed robbery were illegal and that the trial court failed to properly resentence him pursuant to this court's mandate in *Ragan v. State*, 973 So. 2d 648 (Fla. 1st DCA 2008). The trial court determined that Ragan's sentences were not illegal because the jury convicted him of armed robbery as a principal, and because when Ragan committed his offenses, armed robbery with a firearm was a first-degree felony punishable by up to life in prison. Ragan's forty-five-year sentences did not exceed the statutory maximum and thus were not illegal. Finding no error by the trial court, we affirm.

We also conclude that this appeal is frivolous. This appeal marks Ragan’s third collateral attack on his judgment and sentence in Leon County Circuit Court Case Number 1982-CF-334 since his 2008 resentencing. He appealed orders denying postconviction relief in cases 1D08-3901 and 1D11-0574. Ragan received no relief in either of these cases.

The court warns Ragan that any future filings that this 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 or facility of Florida Department of Corrections for disciplinary procedures. See § 944.279, Fla. Stat. (2021) (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”).

AFFIRMED.

ROWE, C.J., and B.L. THOMAS and RAY, 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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Joseph Ragan, pro se, Appellant.

Ashley Moody, Attorney General, Tallahassee, for Appellee.