

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2014

JAVIER JIMENEZ-JIMENEZ,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D13-2121

[June 18, 2014]

Appeal from order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Broward County; Sherwood Bauer, Jr., Judge; L.T. Case No. 472010CF000203C.

Javier Jimenez-Jimenez, Florida City, for appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, and Melvin G. Mosier, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Javier Jimenez-Jimenez appeals an order that denied his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850, and imposes sanctions based on *State v. Spencer*, 751 So. 2d 47 (Fla. 1999). We affirm the trial court's denial of the rule 3.850 motion, but we reverse the sanction order. However, as in *Wilson v. State*, 57 So. 3d 1000 (Fla. 4th DCA 2011), we caution appellant that he may face the same prohibition again should he abuse the process by filing repetitious and frivolous pleadings and papers.

Affirmed in part, reversed in part, and remanded.

MAY, LEVINE and CONNER, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.