

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

ROMANCE LEE FRANKLIN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-256

[October 15, 2014]

Appeal from the Circuit Court for the Nineteenth Judicial Circuit,
Indian River County; Robert L. Pegg, Judge; L.T. Case No. 06-684.

Romance Lee Franklin, Perry, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Cynthia L.
Comras, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

We affirm the trial court order denying appellant's petition for writ of habeas corpus. Appellant is procedurally barred from raising the same claims in successive habeas corpus petitions filed below, particularly given the fact that his earlier such petition was denied and he did not appeal. Further, his claims are of the nature that they should have been raised if at all, on appeal or in a timely motion for post-conviction relief pursuant to Florida Rule of Criminal Procedure 3.850. Habeas corpus petitions are not to be used in these circumstances. *Parker v. Dugger*, 550 So. 2d 459 (Fla. 1989); *Suarez v. Dugger*, 527 So. 2d 190 (Fla. 1988).

Appellant is cautioned against any future frivolous filing in this court, which will result in sanctions by this court including a prohibition against pro se filings under *State v. Spencer*, 751 So. 2d 47 (Fla. 1999), and referral to prison officials for consideration of disciplinary procedures, including forfeiture of gain-time. §§ 944.279(1), 944.28(2)(a), Fla. Stat. (2014).

STEVENSON, GROSS and TAYLOR, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.