

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

ANTHONY GARLAND,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-727

[July 2, 2014]

ON ORDER TO SHOW CAUSE

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; David A. Haimes, Judge; L.T. Case No. 05-019391 CF10A.

Anthony Garland, Wewahitchka, pro se.

No appearance required for appellee.

PER CURIAM.

We previously affirmed the denial of the frivolous and untimely motion appealed in this case and issued an order to show cause why sanctions should not be imposed. *State v. Spencer*, 751 So. 2d 47 (Fla. 1999). We have considered appellant's May 19, 2014, response to this Court's order to show cause and determine that appellant has failed to show any reason why sanctions should not be imposed.

In the January 2014 motion on appeal, appellant sought "rehearing" of a postconviction motion that was denied in 2008. He did not appeal from that denial but instead filed an untimely and successive motion in 2012 contending that the 2008 denial was procured by fraud. That frivolous motion was denied and affirmed on appeal in case number 4D13-2188 where this Court cautioned appellant for the second time that further frivolous filing would result in sanctions. Appellant was also cautioned about sanctions for frivolous filing in case number 4D10-3902. Undeterred, appellant has filed another untimely and successive

postconviction challenge arguing the repetitive claim that the denial of his motion in 2008 was procured by fraud. The motion was clearly abusive and frivolous. “[M]otions to set aside orders denying prior motions to vacate a sentence under Rule 3.850 cannot be used to circumvent the limitations on successive motions set forth in the rule.” *Booker v. State*, 503 So. 2d 888, 889 (Fla. 1987). The motion at issue is nothing more than an attempt to relitigate issues denied long ago.

Accordingly, the Clerk of this Court is directed to no longer accept any paper filed by appellant unless the document has been reviewed and signed by a member in good standing of the Florida Bar.

The Clerk is directed to forward a certified copy of this opinion to the appropriate institution for consideration of disciplinary procedures including forfeiture of all gain time. § 944.279(1), Fla. Stat. (2013). No motion for rehearing will be entertained.

Affirmed.

GROSS, CIKLIN and CONNER, JJ., concur.

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