

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

KENNETH MICHAEL JACKMAN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-4749

[September 9, 2015]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Sandra Perlman and Lynn Rosenthal, Judges; L.T. Case No. 02-16545 CF10A.

Kenneth M. Jackman, Doral, pro se.

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

PER CURIAM.

We affirm the trial court's order summarily denying appellant's amended postconviction motion and various improper and untimely amendments and supplements that appellant filed.

In *Jackman v. State*, 27 So. 3d 220 (Fla. 4th DCA 2010), this Court reversed the denial of appellant's first rule 3.850 motion which was timely filed. We remanded with directions for appellant to be provided leave to file an amended motion correcting the pleading deficiencies in the timely-filed claims only. Appellant filed an amended motion within the time permitted but also attempted to add new claims that were not authorized by this Court's remand and which were not timely filed within the two-year time limit for bringing a postconviction claim. Fla. R. Crim. P. 3.850(b). Appellant then filed a series of amended and supplemental motions that raised additional untimely and unauthorized claims.

The trial court properly denied the amended claim as it is refuted by the record and properly dismissed the untimely and unauthorized new claims. We affirm the trial court's order in all respects. We do not

condone appellant's filing practice in this case, which has caused confusion. His filing of untimely and successive motions raising claims beyond the scope of our remand was an abuse of postconviction procedure.

On appeal, appellant has argued that the trial court erred in failing to address a claim of newly discovered evidence that he filed in yet another motion, dated August 24, 2012. The trial court did not rule upon this claim in the order at issue, and the issue is not properly before us. Our affirmance is without prejudice for appellant to seek a ruling on his August 24, 2012 motion.

Affirmed.

CIKLIN, C.J., CONNER and FORST, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.