

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2013

JERMAINE JACKSON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D13-50

[November 20, 2013]

PER CURIAM.

We affirm the trial court's summary denial of appellant's amended motion for postconviction relief. The trial court properly found that the amended motion was untimely. Appellant's claim that this motion merely expanded upon timely claims is without merit.

As argued by the State in this appeal, the amended motion was procedurally barred as successive. We take judicial notice of this court's records for appellant's prior appeal in this court. Appellant previously filed a motion that the trial court denied on the merits because appellant failed to establish prejudice under *Strickland v. Washington*, 466 U.S. 668, 697 (1984). Appellant's appeal from that denial was voluntarily dismissed. Although appellant asked this court to order the trial court to give him leave to amend, he was not granted leave. The trial court was not required to provide appellant with multiple opportunities to attempt to establish prejudice. See *Cortes v. State*, 85 So. 3d 1135, 1138-39 (Fla. 4th DCA 2012), *rev. denied*, 104 So. 3d 1083 (Fla. 2012).

Affirmed.

DAMOORGIAN, C.J., STEVENSON and TAYLOR, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Stephen A. Rapp, Judge; L.T. Case No. 502008CF003745AXX.

Jermaine E. Jackson, Bristol, Pro Se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Jeanine M. Germanowicz, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.