

Third District Court of Appeal

State of Florida

Opinion filed December 31, 2014.
Not final until disposition of timely filed motion for rehearing.

No. 3D14-2643
Lower Tribunal No. 92-2775

Mark Smith,
Petitioner,

vs.

The State of Florida,
Respondent.

A Case of Original Jurisdiction – Mandamus.

Mark Smith, in proper person.

Pamela Jo Bondi, Attorney General, for respondent.

Before WELLS, SUAREZ, and ROTHENBERG

PER CURIAM.

The defendant has filed a petition for writ of mandamus attempting to, once again, obtain a resentencing on counts I and II. This is his fourth attempt to obtain

such a resentencing. In 2008, this Court rejected a similar argument saying “the same issue has been raised in a previous motion and been ruled upon and denied. See Smith v. State, 669 So. 2d 1133 (Fla. 3d DCA 1996).” We therefore deny this petition for a writ of mandamus. We caution the defendant that further attempts to obtain such relief may subject the defendant to sanctions.

Petition denied.