

Third District Court of Appeal

State of Florida

Opinion filed April 22, 2015.
Not final until disposition of timely filed motion for rehearing.

No. 3D15-447
Lower Tribunal No. 97-28661-B

Duane Isaac Walker,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Thomas J. Rebull, Judge.

Duane Isaac Walker, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before WELLS, EMAS and SCALES, JJ.

SCALES, J.

Duane Isaac Walker appeals an Order Denying Defendant's Motion to Correct Sentence, dated January 21, 2015. As the order on appeal points out, Walker has filed repeated appeals and petitions for post-conviction relief since a 2003 judgment and sentence.¹ Walker's allegations in the instant case have been reviewed and disposed of already by this Court. See Walker v. State, 60 So. 3d 403 (Fla. 3d DCA 2011) (Table). On numerous occasions, this Court has reviewed Walker's other, related, unsuccessful post-conviction petitions.² Accordingly, we both affirm the decision of the trial court and issue an order to show cause as described below.

ORDER TO SHOW CAUSE

Walker is hereby directed to show cause, within forty-five days from the date of this opinion, why he should not be prohibited from filing any further pro se

¹ Walker pled guilty to an aggravated battery that occurred on September 6, 1997, and was sentenced to 364 days in jail and five years of probation. (Prior to this sentence, Walker had two arrests and convictions.) Subsequently, he was charged with twenty probation violations, including murder. Walker's probation was revoked and the trial court sentenced him to thirty years in prison (with a ten-year minimum mandatory) as a habitual violent felony offender. This sentence was affirmed in Walker v. State, 871 So. 2d 1034 (Fla. 3d DCA 2004) (Mem). In 2011, Walker pled guilty to the reduced charge of second degree murder and to aggravated child abuse and was sentenced to forty-five years in prison; this sentence to run concurrently with the previously imposed thirty-year sentence.

² Walker v. State, 901 So. 2d 136 (Fla. 3d DCA 2005) (Table); Walker v. State, 963 So. 2d 244 (Fla. 3d DCA 2007) (Table); Walker v. State, 51 So. 3d 470 (Fla. 3d DCA 2011) (Table); Walker v. State, 61 So. 3d 1135 (Fla. 3d DCA 2011) (Table).

appeals, petitions, motions or other proceedings related to his criminal sentencing in circuit court case number 97-28661.

If Walker does not demonstrate good cause, any such further and unauthorized filings by Walker will subject him to appropriate sanctions, including the issuance of written findings forwarded to the Florida Department of Corrections for its consideration of disciplinary action, including forfeiture of gain time. See § 944.279(1), Fla. Stat. (2014).

Affirmed. Order to show cause issued.