

Third District Court of Appeal

State of Florida

Opinion filed June 08, 2016.
Not final until disposition of timely filed motion for rehearing.

No. 3D15-2746
Lower Tribunal No. 92-16967

Walter Lee Tinner,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Alberto Milian,
Judge.

Walter Lee Tinner, in proper person.

Pamela Jo Bondi, Attorney General.

Before ROTHENBERG, EMAS, and FERNANDEZ, JJ.

ROTHENBERG, J.

We find no error and affirm the portion of the trial court's order finding
good cause to prohibit the defendant from filing any further pro se pleadings,

motions, or petitions related to his convictions and sentencing in circuit court case number 92-16967, and directing the clerk of the circuit court to refuse to accept further filings by the defendant unless they have been reviewed and signed by a duly licensed attorney and member of the Florida Bar in good standing. However, to the extent that the trial court's order can be read to have also ordered forfeiture of twenty-five percent of the defendant's accumulated gain time, we reverse. While the trial court may recommend such a sanction, it cannot itself order the Department of Corrections to impose such a sanction. See § 944.279, Fla. Stat. (2015); Isom v. State, 43 So. 3d 776 (Fla. 2010); Hall v. State, 752 So. 2d 575 (Fla. 2000).

Affirmed in part; and reversed in part for correction of the order consistent with this opinion.