

Third District Court of Appeal

State of Florida

Opinion filed September 4, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-779
Lower Tribunal No. 94-35730

Anthony Ray Williams,
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, Victoria del Pino, Judge.

Anthony Ray Williams, in proper person.

Ashley Moody, Attorney General, and David Llanes, Assistant Attorney General, for appellee.

Before EMAS, C.J., and FERNANDEZ and LINDSEY, JJ.

PER CURIAM.

Anthony Ray Williams appeals from the trial court's order denying his motion to correct illegal sentence. We affirm the trial court's order without discussion, except to note that Williams' claims are without merit and have previously been raised, litigated, and decided adversely to Williams. See, e.g., Williams v. State, 994 So. 2d 337 (Fla. 3d DCA 2008).

ORDER TO SHOW CAUSE

We further note this is at least the eleventh separate pro se appeal or original proceeding Williams has filed with this Court, related to circuit court case number 94-35730.¹ It appears to this Court that Williams has engaged in the filing of meritless, frivolous and successive claims, continuing to seek relief from this Court on the same claim raised in the instant petition, notwithstanding repeated adverse determinations.

Indeed, in this Court's 2008 opinion, Williams was given fair warning:

We, therefore find, for the seventh time, that this defendant's sentence was legal and we therefore, affirm the trial court's order denying the defendant's motion to correct an illegal sentence. While we decline to issue a rule to show cause, as requested by the State, directing the defendant to show good cause why he should not be precluded from filing any further pro se appeals in this case, we caution the defendant that any further attempts by him to relitigate this already over-litigated issue on appeal, may result in the forfeiture of any earned gain-time and preclusion by this Court of the filing of any further pro se appeals with

¹ See Williams v. State, 3D10-2282; Williams v. State, 3D07-3078; Williams v. State, 3D07-342; Williams v. State, 3D06-1609; Williams v. State, 3D04-1232; Williams v. State, 3D03-778; Williams v. State, 3D02-798; Williams v. State, 3D00-2460; Williams v. State, 3D99-1989; Williams v. State, 3D98-919.

this Court in the case. See § 944.28(2)(a), Florida Statutes (2007) (“All or any part of the gain-time earned by a prisoner according to the provisions of law is subject to forfeiture if such prisoner ... is found by a court to have brought a frivolous suit, action, claim, proceeding, or appeal in any court...”); State v. Spencer, 751 So.2d 47 (Fla.1999) (holding that a court can restrict future pro se pleadings if it first provides a pro se litigant notice and an opportunity to respond); Simon v. State, 904 So.2d 487 (Fla. 3d DCA 2005).

Williams, 994 So. 2d at 340-41.

Williams’ actions have caused this Court to expend precious and finite judicial resources which could otherwise be devoted to cases raising legitimate claims. Hedrick v. State, 6 So. 3d 688, 691 (Fla. 4th DCA 2009) (noting: “A legitimate claim that may merit relief is more likely to be overlooked if buried within a forest of frivolous claims.”) While pro se parties must be afforded a genuine and adequate opportunity to exercise their constitutional right of access to the courts, that right is not unfettered. The right to proceed pro se may be forfeited where it is determined, after proper notice and an opportunity to be heard, that the party has abused the judicial process by the continued filing of successive or meritless collateral claims in a criminal proceeding. State v. Spencer, 751 So. 2d 47 (Fla. 1999). As our sister court aptly put it, there comes a point when “enough is enough.” Isley v. State, 652 So. 2d 409, 410 (Fla. 5th DCA 1995). Although termination of the right to proceed pro se will undoubtedly impose a burden on a litigant who may be unable to afford counsel, courts must strike a balance between the pro se litigant’s

right to participate in the judicial process and the courts' authority to protect the judicial process from abuse.

Therefore, Anthony Ray Williams is hereby directed to show cause, within forty-five days from the date of this opinion, why he should not be prohibited from filing with this Court any further pro se appeals, pleadings, motions, or petitions relating to his convictions, judgments and sentences in circuit court case number 94-35730.

Absent a showing of good cause, we intend to direct the Clerk of the Third District Court of Appeal to refuse to accept any such papers relating to circuit court case number 94-35730 unless they have been reviewed and signed by an attorney who is a duly licensed member of The Florida Bar in good standing.

Additionally, and absent a showing of good cause, any such further and unauthorized pro se filings by this defendant 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 the forfeiture of gain time. See § 944.279(1), Fla. Stat. (2019).