

Third District Court of Appeal

State of Florida

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

No. 3D19-1237
Lower Tribunal No. 98-11571

Timothy Oliver,
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, John Schlesinger, Judge.

Timothy Oliver, in proper person.

Ashley Moody, Attorney General, for appellee.

Before FERNANDEZ, LOGUE and GORDO, JJ.

GORDO, J.

We affirm without discussion the trial court's order denying Timothy Oliver's most recent motion to correct illegal sentence, which was treated by the trial court as a successive postconviction motion under rule 3.850.

ORDER TO SHOW CAUSE

Since Oliver's conviction and sentence was affirmed by this Court on direct appeal in 2000,¹ this is at least the sixth pro se collateral appeal filed by Oliver relating to his conviction or sentence in circuit court case number 98-11571. Oliver has continuously raised the same issues in his successive postconviction appeals and this Court has repeatedly affirmed the lower court's decision.² The instant appeal is yet another repetitious and frivolous claim raising the same issues as his previous postconviction appeals.

"We recognize that incarcerated persons must be provided with a full panoply of procedural vehicles with which to challenge the lawfulness of their incarcerations. On the other hand, successive motions which have been heard, considered, rejected, and then raised again, are an abuse of process." Conception v. State, 944 So. 2d 1069, 1072 (Fla. 3d DCA 2006) (citations omitted). The right to proceed pro se may be forfeited where it is determined, after proper notice and an opportunity to be

¹ Oliver v. State, 761 So. 2d 487 (Fla. 3d DCA 2000).

² See Oliver v. State, 116 So. 3d 390 (Fla. 3d DCA 2013); Oliver v. State, 85 So. 3d 495 (Fla. 3d DCA 2012); Oliver v. State, 958 So. 2d 937 (Fla. 3d DCA 2007); Oliver v. State, 912 So. 2d 1237 (Fla. 3d DCA 2005); Oliver v. State, 831 So. 2d 191 (Fla. 3d DCA 2002); Oliver v. State, 793 So. 2d 958 (Fla. 3d DCA 2001).

heard, that the party has abused the judicial process by repeatedly filing successive or meritless collateral claims in a criminal proceeding. State v. Spencer, 751 So. 2d 47, 47–48 (Fla. 1999).

Consequently, Oliver is hereby directed to show cause, within forty-five days of this opinion, why he should not be prohibited from filing any further pro se appeals, petitions, motions or other pleadings related to his conviction or sentence in circuit court case number 98-11571. Absent a showing of good cause, we intend to direct the Clerk of this Court to refuse to accept any such filings unless they have been reviewed and signed by a licensed attorney in good standing with the Florida Bar.

Additionally, and absent a showing of good cause, any further and unauthorized filings by Oliver 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. See § 944.279(1), Fla. Stat. (2018).

Affirmed. Order to Show Cause issued.