

Third District Court of Appeal

State of Florida

Opinion filed July 22, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D20-0069
Lower Tribunal No. 07-19315B

Richard Jackson,
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, Spencer Multack, Judge.

Richard Jackson, in proper person.

Ashley Moody, Attorney General, and Joanne Diez, Assistant Attorney General, for appellee.

Before SCALES, MILLER, and GORDO, JJ.

PER CURIAM.

Affirmed. See Koons v. State, 165 So. 3d 718, 720 (Fla. 5th DCA 2015) (“[Appellant’s] successive motion did not allege that the grounds asserted were new and different. Nor did it allege any good cause for failing to raise any new and different claims in his first 3.850 motion. Because the motion was facially insufficient and [appellant] failed to meet his burden, we affirm the trial court’s order.”); Sampson v. State, 793 So. 2d 149, 150 (Fla. 2d DCA 2001) (“[Appellant] failed to allege any circumstances which would have prevented the State from simply refileing an amended information which was sufficient. Because [appellant] failed to allege a facially sufficient claim, we affirm the trial court’s order” summarily denying his rule 3.850 motion for postconviction relief.) (citation omitted); see also Carratelli v. State, 961 So. 2d 312, 324 (Fla. 2007) (“[W]here a postconviction motion alleges that trial counsel was ineffective for failing to raise or preserve a cause challenge, the defendant must demonstrate that a juror was actually biased . . . Under the actual bias standard, the defendant must demonstrate that the juror in question was not impartial-i.e., that the juror was biased against the defendant, and the evidence of bias must be plain on the face of the record.”) (citation omitted); Lusk v. State, 446 So. 2d 1038, 1041 (Fla. 1984) (“The test for determining juror competency is whether the juror can lay aside any bias or prejudice and render his verdict solely upon the evidence presented and the instructions on the law given to him by the court.”) (citation omitted).