

APPENDIX

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

July 05, 2018

CASE NO.: 4D18-1872

L.T. No.: 95-12342 CF10

WARREN TARVER

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that Warren Tarver's June 18, 2018 petition for writ of certiorari is redesignated by this Court, on its own motion, to be an appeal from the April 24, 2018 order denying his motion for post-conviction relief and the May 16, 2018 order denying rehearing that followed. It is further,

ORDERED that Tarver's petition for writ of certiorari shall be treated as appellant's initial brief. Petitioner's appendix provides an adequate record on appeal for resolution of the issues raised therein, such that the circuit court clerk is not required to file a record on appeal. It is further,

ORDERED that in light of the fact that appellant has raised the same issues in this appeal as previously raised and rejected in the trial court and on appeal to this Court in 4D15-3171, appellant is cautioned that abusive, repetitive, malicious, and/or frivolous filing may result in sanctions, such as a bar on pro se filing in this court or referral to prison officials for disciplinary procedures, which may include forfeiture of gain time. *See State v. Spencer*, 751 So. 2d 47 (Fla. 1999); § 944.279(1), Fla. Stat. (2017).

Served:

cc: Attorney General-W.P.B.
Clerk Broward

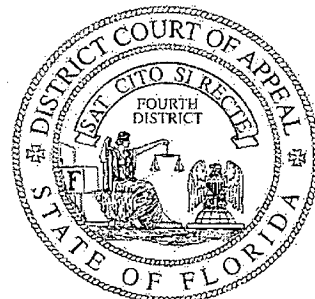
Warren Tarver
Hon. Timothy L. Bailey

State Attorney-Broward

ms



LONN WEISSBLUM, Clerk
Fourth District Court of Appeal



Appendix A

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

WARREN TARVER,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

No. 4D18-1872

[July 5, 2018]

Petition for writ of certiorari to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Timothy L. Bailey, Judge; L.T. Case No. 95-12342-CF-10A.

Warren Tarver, South Bay, pro se.

No response required for respondent.

PER CURIAM.

Affirmed.

MAY, CONNER and FORST, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

WARREN TARVER,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D18-1872

[July 5, 2018]

CORRECTED OPINION

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Timothy L. Bailey, Judge; L.T. Case No. 95-12342-CF-10A.

Warren Tarver, South Bay, pro se.

No appearance required for appellee.

PER CURIAM.

Affirmed.

MAY, CONNER and FORST, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NUMBER: 95-12342CF10A

vs.

JUDGE: TIM BAILEY

WARREN TARVER.

Defendant.

ORDER ON DEFENDANT'S MOTION
FOR POST-CONVICTION RELIEF AND ORDER TO SHOW CAUSE

THIS CAUSE having come before this Court upon the Defendant's Motion for Post-Conviction Relief filed on November 21, 2017, and the State's Response and State's Motion to bar further pro se pleadings, and the Court having considered same, and being fully advised in the premises, it is hereby,

ORDERED AND ADJUDGED that Defendant's Motion for Post-Conviction Relief filed on November 21, 2017 is hereby Denied for the reasons set forth in the State's Response. A copy of the State's Response has been attached for reference.

Defendant has thirty (30) days from the date of this Order to file an appeal.

Additionally, it appears that defendant is abusing the collateral motion process by filing successive, time barred, repetitious and frivolous pleadings. On July 28, 1999, Defendant's conviction was affirmed. *Tarver v. State*, 741 So. 2d 551 (Fla 4th DCA 1999). On December 17, 1999, five months after his conviction and sentence became final, defendant filed his first Motion for Post-Conviction Relief with this Court. That motion was denied and affirmed. After numerous pleadings filed by defendant between 2004 to 2018, the Court issued an Order to Show Cause on September 10, 2013 directing defendant to show cause why he should not be precluded from filing further pro se pleadings in this case. Defendant responded, however, the Court file does not indicate an order was entered barring defendant from filing pro se pleadings. Despite these warnings, defendant has continued to file successive motions. All said motions have been denied, and if appealed, have been affirmed.

Appendix B

Any citizen abuses the right to prose access by filing repetitious and frivolous pleadings, thereby diminishing the ability of the courts to devote their finite resources to the consideration of legitimate claims. See State v. Spencer, 751 So. 2d 47 (Fla. 1999); Rivera v. State, 728 So. 2d 1165 (Fla. 1998). In accordance with the above cited authority before this Court takes action by imposing limitations on the defendant's access to this Court, it must give the defendant notice and opportunity to be heard. Hence, this Court now orders the defendant to show cause, in writing, within 30 days of the date of this order why sanction of no longer accepting pro se filings should not be imposed in this case.

It is therefore,

ORDERED AND ADJUDGED that defendant is directed to Show Cause in writing within (30) days of the date of this Order why the sanction of no longer accepting pro se pleadings should not be imposed against him.

DONE AND ORDERED in Chambers, at Fort Lauderdale, Broward County, Florida, this 24th day of April, 2018.

TIM BAILEY

APR 24 2018

TIM BAILEY

Circuit Court Judge

TRUE COPY

cc: State Attorney's Office
Warren Tarver, DC# L13572-Defendant
South Bay Correctional Facility
P.O. Box 7171
South Bay, FL 33493

**Additional material
from this filing is
available in the
Clerk's Office.**