

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

JAMES FORNEY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D17-3854

[February 28, 2018]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ilona M. Holmes, Judge; L.T. Case No. 04-990 CF10A.

James Forney, Raiford, pro se.

No appearance required for appellee.

PER CURIAM.

We affirm the summary denial of appellant's successive rule 3.850 motion for post-conviction relief. We write only to address appellant's claim that the orders entered after he filed a motion to disqualify the trial judge were void. This claim is meritless because appellant failed to serve the motion on the judge. See Fla. R. Jud. Admin. 2.330(c), (j); *Braddy v. State*, 111 So. 3d 810, 833 (Fla. 2012); *Hedrick v. State*, 6 So. 3d 688, 693 (Fla. 4th DCA 2009).

Affirmed.

WARNER, CIKLIN and KUNTZ, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.

EXHIBIT "A"

Rec & signed for
on 5 March 2018
@ U. C. I.

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

April 10, 2018

CASE NO.: 4D17-3854

L.T. No.: 04-990CF10A

JAMES FORNEY

v. STATE OF FLORIDA

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the appellant's March 19, 2018 motion for rehearing is denied.

Served:

cc: Attorney General-W.P.B. James Forney

II

Lon Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

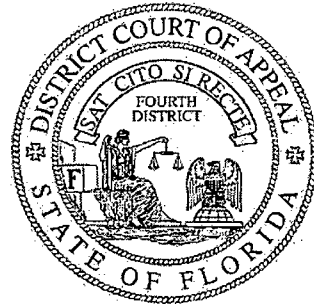


Exhibit "B"

Rec. & Signed for
on 13 April 2018
@ U. C.I.

Supreme Court of Florida

TUESDAY, JUNE 26, 2018

CASE NO.: SC18-750

Lower Tribunal No(s):

4D17-3854;

062004CF000990A88810

JAMES FORNEY

vs. STATE OF FLORIDA

Petitioner(s)

Respondent(s)

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d)(2).

LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, and LAWSON, JJ., concur.

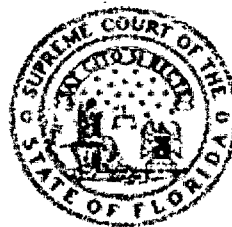
A True Copy

Test:



John A. Tomasino

Clerk, Supreme Court



db

Served:

CELIA TERENCE
RACHAEL KAIMAN
JAMES FORNEY

HON. LONN WEISSBLUM, CLERK
HON. BRENDA D. FORMAN, CLERK
HON. ILONA MAXINE HOLMES, JUDGE

*Rec & Signed for
on 29 June 2018
@ U.C.I.*

Exhibit "C"