

Supreme Court of Florida

WEDNESDAY, DECEMBER 19, 2018

CASE NO.: SC18-1687
Lower Tribunal No(s).:
3D14-2989;
132002CF015545C000XX

ERNEST MARQUIS FLOWERS vs. LAURA URIARTE, ET AL.

Petitioner(s)

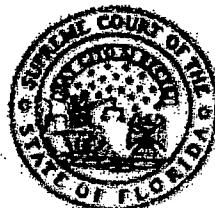
Respondent(s)

The petition for writ of quo warranto is hereby denied as procedurally barred. A petition for extraordinary relief is not a second appeal and cannot be used to litigate or relitigate issues that were or could have been raised on direct appeal or in prior postconviction proceedings. *See Denson v. State*, 775 So. 2d 288, 290 (Fla. 2000); *Breedlove v. Singletary*, 595 So. 2d 8, 10 (Fla. 1992). No rehearing will be entertained by the Court.

PARIENTE, QUINCE, POLSTON, LABARGA, and LAWSON, JJ., concur.

A True Copy
Test:

John A. Tomasino
Clerk, Supreme Court



db -
Served:

ERNEST MARQUIS FLOWERS
LAURA URIARTE
MARIE ELIZABETH MATO
HON. HARVEY RUVIN, CLERK
HON. MARY CAY BLANKS, CLERK
HON. KEVIN M. EMAS, JUDGE

Third District Court of Appeal

State of Florida

Opinion filed May 4, 2016.
Not final until disposition of timely filed motion for rehearing.

No. 3D14-2989
Lower Tribunal No. 02-15545C

Ernest M. Flowers,
Petitioner,

vs.

The State of Florida,
Respondent.

A Case of Original Jurisdiction -- Habeas Corpus.

Ernest M. Flowers, in proper person.

Pamela Jo Bondi, Attorney General, for respondent.

Before LAGOA, SALTER and FERNANDEZ, JJ.

FERNANDEZ, J.

This Court issued an opinion on July 8, 2015 denying Ernest M. Flowers' amended petition for a writ of habeas corpus. See Flowers v. State, 2015 WL 4111336 (Fla. 3d DCA 2015). The opinion contained an order directing Flowers to

show cause why he should not be prohibited from filing any further pro se pleadings in this Court concerning his conviction and sentence imposed in case number F02-015545C. Flowers' response to the show cause order offers no new argument, information, or other basis to persuade this Court to allow him to continue filing further pro se documents in this Court. This Court thus concludes that Flowers has not demonstrated good cause to justify further filings of appeals, petitions, motions, and other pleadings in this Court.

Therefore, the Clerk of the Court of the Third District Court of Appeal shall refuse to accept further pro se filings related to case number F02-015545C, unless such filings have been reviewed and signed by an attorney who is a licensed member of the Florida Bar in good standing. Any such further and unauthorized pro se filings by Flowers will subject him to sanctions, including the issuance of written findings forwarded to the Florida Department of Corrections for consideration by it for disciplinary action, pursuant to section 944.279(1), Florida Statutes (2004).

Order issued.

Third District Court of Appeal

State of Florida

Opinion filed July 8, 2015.
Not final until disposition of timely filed motion for rehearing.

No. 3D14-2989
Lower Tribunal No. 02-15545C

Ernest M. Flowers,
Petitioner,

vs.

The State of Florida,
Respondent.

A case of Original Jurisdiction--Habeas Corpus.

Ernest M. Flowers, in proper person.

Pamela Jo Bondi, Attorney General, for respondent.

Before LAGOA, SALTER and FERNANDEZ, JJ.

FERNANDEZ, J.

Flowers petitions this Court for a writ of habeas corpus. We deny the amended petition without further comment. Because Flowers has sought relief in this Court on numerous occasions, we order Flowers to show good cause within

forty-five (45) days why he should not be prohibited from filing further pro se filings in this Court on his conviction and sentence imposed in case number F02-015545c.

On June 30, 2004, the trial court adjudicated Earnest M. Flowers guilty of burglary with assault and battery of a person using a firearm, and four (4) counts of attempted robbery, as a lesser-included offense to armed robbery. The trial court sentenced Flowers to life, with fifteen (15) years mandatory, as a habitual violent offender, life for burglary with assault or battery of a person using a firearm, and ten (10) years, with five (5) years mandatory, for each of the four (4) attempted burglary charges. On August 16, 2005, pursuant to a rule 3.800(b), Florida Rules of Criminal Procedure, Flowers filed a Motion to Correct Illegal Sentence, after which the trial court entered a "Nunc Pro Tunc" Order, modifying the sentences to run concurrent on all counts.

I. Facts

Flowers has filed at least fifteen (15) motions and various petitions in this Court. This Court denied the petitions and motions with the exception of Flowers' motions to withdraw or amend various pleadings. See Flowers v. State, 964 So. 2d 721 (Fla. 3d DCA 2007); Flowers v. State, 49 So. 3d 252 (Fla. 3d DCA 2010); Flowers v. State, 103 So. 3d 165 (Fla. 3d DCA 2012); Flowers v. State, 28 So. 3d 55 (Fla. 3d DCA 2010); Flowers v. State, 2014 WL 2624980 (Fla. App. 3 Dist.).

Flowers first filed in this Court on July 23, 2004. He appealed his judgment of conviction and sentence, which this Court affirmed on January 18, 2006. Flowers v. State, 920 So. 2d 8 (Fla. 3d DCA 2006). Three years later, on May 29, 2007, he moved for post-conviction relief, pursuant to rule 3.850, Florida Rules of Criminal Procedure. We treated the petition as an appeal and per curiam affirmed. Flowers v. State, 964 So. 2d 721 (Fla. 3d DCA 2007). This Court denied Flowers' motion for rehearing and rehearing en banc.

On November 25, 2009, Flowers again moved for post-conviction relief, pursuant to rule 3.800, Florida Rules of Criminal Procedure. This Court treated the motion as an appeal and per curiam affirmed. Flowers v. State, 28 So. 3d 55 (Fla. 3d DCA 2010). We denied Flowers' motion for rehearing. Less than one year later, he again moved for relief, pursuant to rule 3.800. We treated the motion as an appeal and per curiam affirmed. Flowers v. State, 49 So. 3d 252 (Fla. 3d DCA 2010). We denied Flowers' motion for rehearing.

A petition for relief followed. On March 2, 2012, Flowers filed a petition for prohibition, which we denied. Flowers v. State, 88 So. 3d 948 (Fla. 3d DCA 2012). He thereafter moved once more for post-conviction relief, pursuant to rule 3.850. This Court per curiam affirmed his request for relief. Flowers v. State, 103 So. 3d 165 (Fla. 3d DCA 2012), and denied his motion for rehearing. Flowers

led further. The Florida Supreme Court dismissed his petition. Flowers v. State, 115 So. 3d 999 (Fla. 2013).

Flowers filed two additional petitions in this Court. On February 3, 2014, he filed for habeas corpus relief. We denied the petition. Flowers v. State, 2014 WL 2624980 (Fla. App. 3 Dist.). We also denied his motion for rehearing. He filed the other habeas corpus petition, now under review, ten months later.

II. Analysis

It is well established that incarcerated persons must be provided with a full panoply of procedural vehicles with which to challenge the lawfulness of their incarceration. State v. Spencer, 751 So. 2d 47, 48 (Fla. 1999). However, successive motions that 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).

This Court has the inherent authority and duty to limit abuses of the judicial process by pro se litigants. Golden v. Buss, 60 So. 3d 461, 462 (Fla. 1st DCA 2011). This rule applies to circumstances where, as here, Flowers has filed at least fifteen (15) motions and petitions. Additionally, he has filed pleadings for relief on eight separate occasions. Flowers' requests have been heard, considered, and rejected many times. The record thus plainly supports the issuance of this Order.

III. Conclusion

We therefore order Flowers to show good cause within forty-five (45) days why he should not be prohibited from filing further pro se pleadings in this Court concerning his conviction and sentence imposed in case number F02-015545c.

Amended petition for writ of habeas corpus denied and order to show cause issued.