

Third District Court of Appeal

State of Florida

Opinion filed July 24, 2019.

Not final until disposition of timely filed motion for rehearing.

No. 3D19-1088

Lower Tribunal No. 86-19398

Joseph S. Paul,
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, Mark Blumstein, Judge.

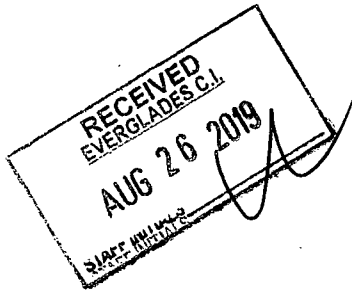
Joseph S. Paul, in proper person.

Ashley Moody, Attorney General, for appellee.

Before SALTER, MILLER and GORDO, JJ.

PER CURIAM.

Affirmed.



IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

AUGUST 21, 2019

JOSEPH S. PAUL

Appellant(s)/Petitioner(s),

vs.

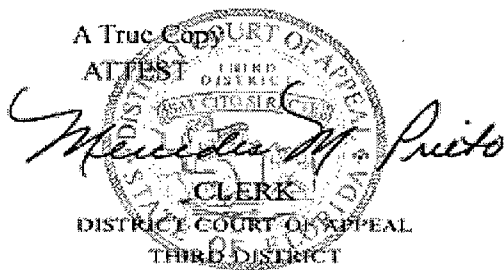
THE STATE OF FLORIDA

Appellee(s)/Respondent(s),

CASE NO.: 3D19-1088

L.T. NO.: 86-19398

Upon consideration, appellant's pro se motion for rehearing is hereby denied. SALTER, MILLER and GORDO, JJ., concur. Appellant's pro se motion for rehearing en banc is denied.



cc: Office Of Attorney General Joseph S. Paul

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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

vs.

JOSEPH PAUL,
Defendant

Case No. F86-19398

Judge BLUMSTEIN



**ORDER DENYING MOTION FOR POST CONVICTION RELIEF AND ORDER
ISSUING RULE TO SHOW CAUSE**

THIS CAUSE having come on to be heard upon the Defendant's motion and the State's request for a Rule to Show Cause, and this Court, having reviewed the Defendant's pleadings, the State's Response with Attachments, and the files, records, and procedural history in this case, it is hereby

ORDERED AND ADJUDGED, the Defendant's motion is **DENIED**. In addition, this Court is issuing a **RULE TO SHOW CAUSE** which the Defendant must respond to within forty-five (45) days. If the Defendant fails to show cause, this Court will sanction the Defendant by prohibit the Defendant from filing any further *pro se* motions, and instruct the Clerk of Court to summarily reject any further *pro se* pleadings. This Court will not consider any further motions on behalf of the Defendant unless they are signed by a member in good standing of The Florida Bar, and which certify that there is a good faith basis for any claims raised in the motion. The facts in support of issuing this Rule to Show Cause and which indicate the Defendant's filings are frivolous, malicious, in bad faith, in disregard for the truth, and an abuse of the legal process are as follows:

1. On September 4, 1987, the defendant was found guilty of four counts of Sexual Battery on a Child Under the Age of Twelve, and one count of Battery, following a jury trial where he was represented by privately retained counsel, Louis Beller, Esq. (deceased).
2. The defendant appealed his conviction. On August 8, 1989, the judgment and sentence were affirmed, Per Curiam. *Paul v. State*, 547 So.2d 295 (Fla. 3rd DCA 1989).
3. The defendant filed a petition for a Writ of Certiorari to the Florida Supreme Court. The Supreme Court denied review on April 30, 1991.

4. The defendant filed his first Motion for Post-Conviction Relief pursuant to Rule 3.850 Fla.R.Crim.Pro on or about July 31, 1991. This motion was denied. The denial was affirmed on February 5, 1992.
5. On August 26, 1992, the defendant filed a pro se Motion to Compel production of an audio tape that he claimed proved his innocence. No audio tape was found. Any tapes that had existed had been turned over to his lawyer in discovery years before. This motion was denied on November 20, 1992. The denial was affirmed on March 7, 1994.
6. The defendant filed a Motion for Correction of Sentence, which was denied. This denial was affirmed on August 25, 2003.
7. Coincidentally, on the same day the court affirmed the denial of the Motion to Correct, the defendant filed a Motion to Compel under the Freedom of Information Act. This motion was denied on July 2, 2004, and the denial was affirmed on May 17, 2005.
8. The defendant filed a second Motion for Post-Conviction Relief pursuant to Rule 3.850 on June 18, 2004, while his Motion to Compel (see #5) was pending. This successive motion was also denied on July 2, 2004, and affirmed on April 10, 2006.
9. The defendant filed a Petition for Writ of Habeas Corpus on December 1, 2014. It was denied on January 9, 2015, and the denial was affirmed on August 26, 2015.
10. On April 24, 2015, while the appeal on his Petition for Writ of Habeas Corpus was pending, the defendant filed a Petition for Writ of Mandamus. This Petition was denied on May 1, 2015, and the denial was affirmed on April 11, 2016.
11. The defendant filed a successive Motion for Post-Conviction Relief pursuant to Rule 3.850 on October 1, 2015, while the appeal on mandamus writ was still pending. It was denied on October 15, 2015, and the denial affirmed on July 7, 2016.
12. The defendant filed his fourth Motion for Post-Conviction Relief on January 9, 2018. This Honorable Court denied the defendant's motion on April 18, 2018. The denial was affirmed on October 16, 2018.
13. On January 17, 2019, the defendant filed another post-conviction pleading pursuant to Rule 3.850, which the Court denies.

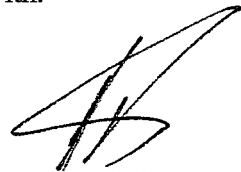
The Defendant has filed numerous successive and duplicative post-conviction motions. Moreover, a review of the procedural history in this matter reveals the Defendant has on numerous occasions made the same arguments in his post-conviction motions. As with his prior pleadings, the

Defendant's claims are factually and legally incorrect. The Defendant has no good faith belief that this Court has overlooked a previously argued issue of fact or law. As evidence in the procedural history of this case, the Defendant has on numerous occasions filed pleadings which may be considered in bad faith, untimely, have no merit, and duplicative of previously filed motions addressed by the court. Thus, the Defendant has forty-five (45) days to respond to this Court's Rule to Show Cause as to why his motion should not be considered misguided, frivolous, and an abuse of process. The Defendant must establish why this Court should not enter sanctions.

DONE AND ORDERED at Miami, Miami-Dade County, Florida, this the 22 day of March, 2019.

The Defendant shall have thirty (30) days to appeal the order of this Court. The Defendant has forty-five (45) days to respond to the rule to show cause.

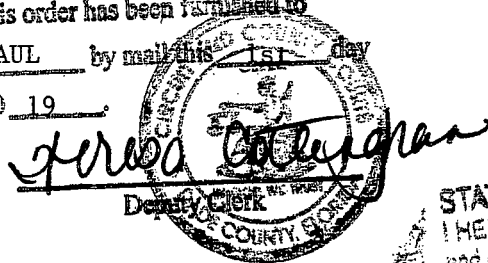
The Clerk of Courts shall provide a copy of this Order, the State's Response, and the attached documents to the defendant Joseph Paul, pro se, DC #406786, Everglades Correctional Institution, 1599 S.W. 187th Avenue, Miami, Florida 33194 forthwith.



MARK BLUMSTEIN
CIRCUIT JUDGE

cc: Abbe S. Rifkin, Assistant State Attorney
Joseph Serge Paul, pro se defendant

I CERTIFY that a copy of this order has been furnished to
the MOVANT, JOSEPH PAUL by mail this 1st day
of APRIL, 20 19.



STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that the foregoing is a true
and correct copy of the original on file in this office
APR 01 2019 AD 20
HARVEY RUVIN, Clerk of Circuit and County Courts
Deputy Clerk 