

SUPREME COURT OF FLORIDA

Blaxton v. State

187 So. 3d 216 (Fla. 2016) · No. SC15-1307 · Decided January 21, 2016

SUMMARY

The Supreme Court of Florida denied Otis D. Blaxton’s mandamus petition seeking to compel the State to convene a grand jury to review his incarceration. Finding that Blaxton had repeatedly filed frivolous or meritless requests for relief, the court imposed filing restrictions requiring counsel for future filings concerning specified convictions and sentences. The court also directed that a certified copy of the opinion be sent to the Florida Department of Corrections for possible disciplinary action under section 944.279, Florida Statutes.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Chief Justice Labarga; Justice Pariente; Justice Lewis; Justice Quince; Justice Canady; Justice Polston; Justice Perry
JURISDICTION	Florida
DECIDED	January 21, 2016
DOCKET	SC15-1307
DISPOSITION	other
PROCEDURAL POSTURE	Blaxton filed a pro se petition for writ of mandamus seeking to compel the State to convene a grand jury to review his incarceration. The Supreme Court of Florida denied the petition, denied rehearing, imposed filing restrictions, and directed that the opinion be forwarded to the Department of Corrections for possible disciplinary action.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Otis D. Blaxton v. State of Florida

TOPICS

- appellate procedure
- writ of certiorari
- post-conviction relief
- criminal procedure
- remedies

PRACTICE AREAS

- appellate procedure
- post-conviction relief
- criminal procedure
- remedies

QUESTIONS PRESENTED

1. Whether Blaxton was entitled to a writ of mandamus compelling the State to convene a grand jury to review his incarceration.
2. Whether Blaxton had shown cause why sanctions and restrictions should not be imposed based on his repeated frivolous pro se filings.
3. Whether section 944.279, Florida Statutes, authorized referral of the opinion to the Department of Corrections for possible disciplinary action based on frivolous collateral criminal proceedings.

HOLDINGS

1. Blaxton was not entitled to a writ of mandamus because his petition did not satisfy the basic requirements for mandamus relief and was frivolous.
2. Blaxton failed to show cause why sanctions should not be imposed, and the Court could restrict his future pro se filings concerning the specified convictions and sentences.
3. Section 944.279, Florida Statutes, applies to frivolous or malicious collateral criminal proceedings and authorized the Court to refer the opinion to the Department of Corrections for possible disciplinary action.

KEY QUOTATIONS

“In order to be entitled to a writ of mandamus the petitioner must have a clear legal right to the requested relief, the respondent must have an indisputable legal duty to perform the requested action, and the petitioner must have no other adequate remedy available.” (at 217)

“Accordingly, the Clerk of this Court is hereby directed to reject any future pleadings or other requests for relief submitted by Otis D. Blaxton that pertain to case numbers 99-CF-22563, 04-CF-2760, 06-CF-5189, and 11-CF-572A, unless such filings are signed by a member in good standing of The Florida Bar.” (at 220-21)

FACTUAL BACKGROUND

Blaxton was serving sentences arising from robbery, escape, and battery convictions in Hillsborough County circuit court case numbers 99-CF-22563, 04-CF-2760, 06-CF-5189, and 11-CF-572A. Since 2008, he had filed twenty extraordinary writ petitions or notices with the Supreme Court of Florida concerning those convictions and sentences, none of which had resulted in relief. In this proceeding, he sought to compel the State to convene a grand jury to review his incarceration, but the Court found the petition frivolous and deficient.

PROCEDURAL HISTORY

Blaxton had previously filed twenty extraordinary writ petitions or notices with the Supreme Court of Florida since 2008, all concerning his convictions or sentences. The Court initially denied the mandamus petition and ordered Blaxton to show cause why sanctions and filing restrictions should not be imposed. After considering his response and motion for rehearing, the Court concluded that the filings were frivolous and imposed sanctions.

DISPOSITION

CASES CITED

- Huffman v. State, 813 So. 2d 10, 11 (Fla. 2000)
- State v. Spencer, 751 So. 2d 47 (Fla. 1999)
- Isom v. State, 43 So. 3d 776 (Fla. 5th DCA 2010)
- Blaxton v. State, 868 So. 2d 620 (Fla. 2d DCA 2004)
- Blaxton v. Fla. Dep't of Corrs., 171 So. 3d 113 (Fla. 2015) (table)
- Blaxton v. Jones, 171 So. 3d 113 (Fla. 2015) (table)
- Blaxton v. Crews, 121 So. 3d 1037 (Fla. 2013) (table)
- Blaxton v. State, 77 So. 3d 1253 (Fla. 2011) (table)
- Blaxton v. McNeil, 59 So. 3d 107 (Fla. 2011) (table)
- Blaxton v. State, 42 So. 3d 233 (Fla. 2010) (table)
- Blaxton v. McNeil, 38 So. 3d 133 (Fla. 2010) (table)
- Blaxton v. State, 36 So. 3d 83 (Fla. 2010) (table)
- Blaxton v. McNeil, 29 So. 3d 1118 (Fla. 2009) (table)
- Blaxton v. Northcutt, 9 So. 3d 614 (Fla. 2009) (table)
- Blaxton v. State, 4 So. 3d 676 (Fla. 2009) (table)
- Blaxton v. McNeil, 4 So. 3d 676 (Fla. 2009) (table)
- Blaxton v. State, 3 So. 3d 1246 (Fla. 2008) (table)
- Blaxton v. State, 994 So. 2d 304 (Fla. 2008) (table)
- Blaxton v. State, 984 So. 2d 518 (Fla. 2008) (table)
- Blaxton v. State, 982 So. 2d 684 (Fla. 2008) (table)
- Clark v. Crews, 159 So. 3d 122 (Fla. 2014)
- McCutcheon v. State, 117 So. 3d 769 (Fla. 2013)
- James v. Tucker, 75 So. 3d 231 (Fla. 2011)
- Johnson v. Rundle, 59 So. 3d 1080 (Fla. 2011)
- Steele v. State, 14 So. 3d 221 (Fla. 2009)
- Pettway v. McNeil, 987 So. 2d 20 (Fla. 2008)