

DISTRICT COURT OF APPEAL OF FLORIDA, FIFTH DISTRICT

Ricardo Easley v. State of Florida

Easley · No. 5D22-1831 · Decided December 16, 2022

SUMMARY

The Fifth District Court of Appeal of Florida prohibited Ricardo Easley from filing further pro se pleadings concerning his Marion County criminal case after he failed to respond to a Spencer show cause order. The court directed the clerk to reject future filings concerning that case unless submitted by a member in good standing of The Florida Bar.

CASE DETAILS

COURT	District Court of Appeal of Florida, Fifth District
WRITING FOR THE COURT	Per Curiam; Edwards; Eisnaugle; Harris
JURISDICTION	Florida
DECIDED	December 16, 2022
DOCKET	5D22-1831
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a post-conviction proceeding under Florida Rule of Criminal Procedure 3.850; the appellate court issued a Spencer show-cause order and then prohibited further pro se filings concerning the underlying criminal case after Appellant failed to respond.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Ricardo Easley v. State of Florida

TOPICS

- post-conviction relief
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Criminal procedure
- Post-conviction relief
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the appellate court should prohibit Easley from filing further pro se pleadings, motions, petitions, appeals, or other filings concerning his conviction and sentence after he failed to respond to a

Spencer show-cause order.

HOLDINGS

1. When a litigant fails to respond to a Spencer show-cause order and thereby fails to demonstrate why sanctions should not be imposed, the appellate court may conclude that the litigant is abusing the judicial process and prohibit further pro se filings concerning the case.

KEY QUOTATIONS

“Therefore, in order to conserve judicial resources, we prohibit Appellant from filing with this Court any further pro se pleadings concerning Marion County Fifth Judicial Circuit case number 2015-CF-1144.”

“The Clerk of this Court is directed not to accept any further pro se filings concerning this case and not to accept any telephone or in-person communications.”

FACTUAL BACKGROUND

The appeal concerned Easley’s conviction and sentence in Marion County circuit court case number 2015-CF-1144. The appellate court had issued a Spencer show-cause order based on Easley’s abusive use of judicial process in filings relating to that conviction and sentence. Easley failed to file a response demonstrating why sanctions should not be imposed.

PROCEDURAL HISTORY

Easley appealed in connection with Marion County circuit court case number 2015-CF-1144. The Fifth District issued an order requiring him to show cause why he should not be barred from further pro se filings concerning his conviction and sentence. Easley failed to respond, and the court imposed a filing bar and directed the clerk to reject future pro se filings and communications concerning the case.

DISPOSITION

other

CASES CITED

- State v. Spencer, 751 So. 2d 47 (Fla. 1999)
- Isley v. State, 652 So. 2d 409, 411 (Fla. 5th DCA 1995)

OPINION

PER CURIAM.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA FIFTH DISTRICT
RICARDO EASLEY, Appellant, v. Case No. 5D22-1831 LT Case No. 2015-CF-1144 STATE OF
FLORIDA, Appellee. _____/ Opinion filed December 16, 2022

3.850 Appeal from the Circuit Court for Marion County, Robert W. Hodges, Judge. Ricardo Easley, Palm Coast, pro se. No Appearance for Appellee.

PER CURIAM. We issued a Spencer¹ show cause order directing Appellant to demonstrate why he should not be prohibited from filing any appeal, petition, 1 State v. Spencer, 751 So. 2d 47 (Fla. 1999). pleading, or motion pertaining to the conviction and sentence rendered in Case No. 2015-CF-1144 unless reviewed and signed by an attorney licensed to practice in the State of Florida.

Having failed to file a response and thus failing to show cause why sanctions should not be imposed, we conclude that Appellant is abusing the judicial process and should be barred from further pro se filings. Therefore, in order to conserve judicial resources, we prohibit Appellant from filing with this Court any further pro se pleadings concerning Marion County Fifth Judicial Circuit case number 2015-CF-1144.

The Clerk of this Court is directed not to accept any further pro se filings concerning this case and not to accept any telephone or in-person communications. Any further pleadings regarding this case will be summarily rejected by the Clerk, unless they are filed by a member in good standing with The Florida Bar. See Isley v. State, 652 So. 2d 409, 411 (Fla.

5th DCA 1995) (“Enough is enough.”). FURTHER PRO SE FILINGS PROHIBITED. EDWARDS, EISNAUGLE, and HARRIS, JJ., concur. 2