

SUPREME COURT OF FLORIDA

Gregory Harris v. Mark S. Inch, etc.

No. SC18-1984 (Fla. Aug. 29, 2019) · No. SC18-1984 · Decided August 29, 2019

SUMMARY

The Supreme Court of Florida considers sanctions against Gregory Harris after dismissing his unauthorized habeas corpus petition. The Court finds that Harris abused the judicial process and that his seventh habeas petition raising the same claims was frivolous, and it directs the Clerk to reject future related filings unless signed by a Florida Bar member in good standing.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Chief Justice Canady; Justice Polston; Justice Labarga; Justice Lawson; Justice Lagoa; Justice Luck; Justice Muñiz
JURISDICTION	Florida
DECIDED	August 29, 2019
DOCKET	SC18-1984
DISPOSITION	other
PROCEDURAL POSTURE	Harris petitioned the Supreme Court of Florida for a writ of habeas corpus. The Court had previously dismissed the petition as unauthorized and retained jurisdiction to determine whether sanctions should be imposed. After considering Harris's response to an order to show cause, the Court imposed filing restrictions and directed that the opinion be forwarded to the Department of Corrections.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; per curiam decision addressing sanctions and filing restrictions in a habeas proceeding.
PARTIES	Gregory Harris v. Mark S. Inch, etc.

TOPICS

- state post-conviction relief
- habeas corpus
- appellate procedure
- remedies

PRACTICE AREAS

- Post-conviction relief
- Appellate procedure
- Habeas corpus
- Judicial sanctions

QUESTIONS PRESENTED

1. Whether Harris's repeated pro se habeas filings constituted an abuse of the judicial process and a frivolous proceeding under section 944.279(1), Florida Statutes.
2. Whether the Supreme Court of Florida should impose sanctions and restrict Harris's future filings concerning his criminal cases.

HOLDINGS

1. Harris's persistent history of meritless or otherwise inappropriate pro se filings, including the present petition that repeated claims raised in six prior habeas petitions, constituted an abuse of the judicial process and a frivolous proceeding under section 944.279(1), Florida Statutes.
2. The Clerk of the Supreme Court of Florida was directed to reject future filings by Harris related to the specified criminal cases unless signed by a member in good standing of The Florida Bar, while permitting counsel to file on his behalf if counsel determines that the proceeding may have merit and can be brought in good faith.

KEY QUOTATIONS

“Based on his persistent history of filing pro se petitions that were meritless or otherwise inappropriate for this Court’s review, Harris has abused the judicial process and burdened this Court’s limited judicial resources.” (-3)

“We further conclude that Harris’s habeas petition filed in this case, which represents the seventh petition for writ of habeas corpus in which he has raised the same issues and sought the same relief, is a frivolous proceeding brought before this Court by a state prisoner.” (-3)

FACTUAL BACKGROUND

Harris was convicted of child abuse and grand theft in two Miami-Dade County criminal cases and received a total fifteen-year prison sentence. He filed twenty-six prior petitions or notices with the Supreme Court of Florida, including six habeas petitions challenging those convictions, all of which were denied, dismissed, or transferred. The present habeas petition repeated claims that he had been convicted of uncharged crimes and that the trial court lacked subject-matter jurisdiction.

PROCEDURAL HISTORY

Harris was convicted in the Eleventh Judicial Circuit in two criminal cases, and the Third District Court of Appeal affirmed his convictions and sentences. He subsequently filed numerous petitions and notices in the Supreme Court of Florida, including six prior habeas petitions challenging the convictions, all of which were dismissed as unauthorized. The Court dismissed the present petition on February 18, 2019, retained jurisdiction regarding sanctions, and later concluded that Harris had abused the judicial process and that the petition was frivolous.

DISPOSITION

other

CASES CITED

- Baker v. State, 878 So. 2d 1236 (Fla. 2004)
- Harris v. Inch, No. SC18-1984, 2019 WL 698109 (Fla. Feb. 18, 2019)
- Harris v. State, 138 So. 3d 454 (Fla. 3d DCA 2014) (table)
- Logan v. State, 846 So. 2d 472 (Fla. 2003)

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