

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FOURTH DISTRICT

Travis E. Johnson v. State of Florida

No. 4D2025-0402 · No. 4D2025-0402 · Decided November 12, 2025

SUMMARY

The Fourth District Court of Appeal of Florida reversed an order barring Travis E. Johnson from making further pro se filings under State v. Spencer. The court held that the filing leading to the sanction presented a colorable claim based on Erlinger v. United States and referenced pending Florida Supreme Court review, while cautioning that future frivolous filings would not be tolerated.

CASE DETAILS

COURT	District Court of Appeal of the State of Florida, Fourth District
WRITING FOR THE COURT	Per Curiam; Chief Judge Kuntz; Judge May; Judge Klingensmith
JURISDICTION	District Court of Appeal of the State of Florida, Fourth District
DECIDED	November 12, 2025
DOCKET	4D2025-0402
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from an order denying a Florida Rule of Criminal Procedure 3.800 motion and barring Johnson from making further pro se filings under State v. Spencer.
PRECEDENTIAL VALUE	published
PARTIES	Travis E. Johnson v. State of Florida

TOPICS

- appellate procedure
- post-conviction relief
- criminal procedure
- preservation of error

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

- Whether the circuit court properly barred Johnson from making further pro se filings under State v. Spencer based on the filing at issue.

HOLDINGS

1. The order barring Johnson from further pro se filings was improper because the filing that triggered the sanction presented a colorable claim when it was filed.

KEY QUOTATIONS

- “We believe the claim was, at the time it was filed, colorable. As a result, we reverse the sanction imposed against Johnson.”*
- “But we caution Johnson that future frivolous filings will not be tolerated.”*

FACTUAL BACKGROUND

Johnson had made numerous filings in connection with his criminal cases. The filing that led to the sanction raised a new claim based on Erlinger v. U.S. and referenced the Florida Supreme Court's pending review in Maye v. State to preserve the issue; the appellate court concluded that the claim was colorable when filed.

PROCEDURAL HISTORY

The Circuit Court for the Seventeenth Judicial Circuit in and for Broward County entered an order under State v. Spencer barring Johnson from further pro se filings. Johnson appealed, and the Fourth District reversed the sanction because the filing that prompted it presented a colorable claim based on Erlinger v. U.S. and referenced pending review in Maye v. State.

DISPOSITION

reversed

CASES CITED

- State v. Spencer, 751 So. 2d 47 (Fla. 1999)
- Erlinger v. U.S., 144 S. Ct. 1840 (2024)
- Maye v. State, 368 So. 3d 531 (Fla. 6th DCA 2023)

OPINION

Travis E. Johnson v. State of Florida
PER CURIAM.

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

TRAVIS E. JOHNSON,
Appellant, v.
STATE OF FLORIDA,

Appellee. No. 4D2025-0402 [November 12, 2025] Appeal of order denying rule 3.800 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Bernard I. Bober,

Judge; L.T. Case Nos. 99-014448CF10A and 00-007609CF10A. Travis E. Johnson, Miami, pro se. James Uthmeier, Attorney General, Tallahassee, and Zi Jin Peter Chan, Assistant Attorney General, West Palm Beach, for appellee. PER CURIAM. Travis E. Johnson appeals an order entered under State v. Spencer, 751 So. 2d 47 (Fla. 1999), barring further pro se filings. We recognize Johnson's filings are numerous. But in this instance, the instance that led to the sanction, Johnson presented a new claim based on Erlinger v. U.S., 144 S. Ct. 1840 (2024), and referenced the Florida Supreme Court's pending review in Maye v. State, 368 So. 3d 531 (Fla. 6th DCA 2023), to preserve the issue. We believe the claim was, at the time it was filed, colorable. As a result, we reverse the sanction imposed against Johnson. But we caution Johnson that future frivolous filings will not be tolerated. Reversed. KUNTZ, C.J., MAY and KLINGENSMITH, JJ., concur. * * * Not final until disposition of timely-filed motion for rehearing.