

SUPREME COURT OF FLORIDA

Peterson v. State

817 So. 2d 838 (Fla. 2002) · No. No. SC00-747 · Decided May 9, 2002

SUMMARY

The Supreme Court of Florida denied William E. Peterson's petition for a writ of mandamus as conclusory and facially insufficient. The court imposed filing restrictions, directing that future filings from Peterson that are facially insufficient or incomprehensible be placed in an inactive file without further action, and dismissed any currently pending petitions. The court grounded the restrictions in its inherent authority to prevent abuse of the judicial system while preserving access for legitimate litigants.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Wells, C.J.; Shaw, J.; Harding, J.; Anstead, J.; Pariente, J.; Lewis, J.; Quince, J.
JURISDICTION	Florida
DECIDED	May 9, 2002
DOCKET	No. SC00-747
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petition for writ of mandamus in the Supreme Court of Florida, together with a motion for leave to proceed in forma pauperis.
PRECEDENTIAL VALUE	Published opinion; binding Florida Supreme Court precedent on the court's inherent authority to restrict abusive and facially insufficient filings.
PARTIES	William E. Peterson v. State of Florida

TOPICS

- writ of certiorari
- sanctions
- appellate procedure
- appellate jurisdiction
- constitutional law

PRACTICE AREAS

- appellate procedure
- writ practice
- judicial sanctions
- constitutional access to courts

QUESTIONS PRESENTED

1. Whether Peterson's conclusory and facially insufficient petition for writ of mandamus should be granted.
2. Whether the Supreme Court of Florida could restrict Peterson from filing facially insufficient or incomprehensible pleadings and other documents without further judicial action as a sanction for abuse of the judicial system.

HOLDINGS

1. The petition for writ of mandamus was denied because it was conclusory and facially insufficient.
2. The Supreme Court of Florida may exercise its inherent authority to prevent abuse of the judicial system by refusing to accept facially insufficient or incomprehensible filings from a litigant and placing them in an inactive file without further action.

KEY QUOTATIONS

“Accordingly, we hereby deny Peterson's petition for writ of mandamus and henceforth this Court will not accept from Peterson for filing any pleadings, petitions, motions, documents, or other filings that are facially insufficient or incomprehensible and any such filings shall be placed in an inactive file with no further action taken.” (841)

“A limitation on Peterson's ability to file would further the constitutional right to access for other litigants because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others.” (840)

FACTUAL BACKGROUND

Peterson had filed numerous pro se writ petitions, appeals, and other pleadings that were generally conclusory, nearly illegible, and lacking facts or explanations connecting asserted constitutional or statutory violations to his circumstances. His repeated filings consumed substantial judicial resources and had previously resulted in the First District barring him from filing further appeals or petitions there without an attorney. The Supreme Court found that the present mandamus petition and Peterson's response to its show-cause order were likewise facially insufficient and frivolous.

PROCEDURAL HISTORY

Peterson filed a conclusory and facially insufficient petition for writ of mandamus. After previously issuing an order to show cause regarding sanctions for his repeated frivolous filings, the Supreme Court of Florida determined that his response was also incomprehensible and insufficient. The court denied the mandamus petition, denied all pending motions, immediately dismissed currently pending petitions, and imposed filing restrictions.

DISPOSITION

writ_denied

CASES CITED

- Attwood v. Singletary, 661 So. 2d 1216, 1217 (Fla. 1995)
- In re McDonald, 489 U.S. 180, 184 (1989)
- Peterson v. State, 530 So. 2d 424, 425 (Fla. 1st DCA 1988)
- Peterson v. State, 743 So. 2d 14 (Fla. 1999) (table)
- Peterson v. State, 729 So. 2d 393 (Fla. 1999) (table)
- Peterson v. State, 718 So. 2d 1234 (Fla. 1998) (table)
- Peterson v. State, 717 So. 2d 536 (Fla. 1998) (table)
- Peterson v. State, 657 So. 2d 1163 (Fla. 1995) (table)

OPINION

PER CURIAM.

817 So.2d 838 (2002) William E. PETERSON, Petitioner, v. STATE of Florida, Respondent. No. SC00-747. Supreme Court of Florida. May 9, 2002. William E. Peterson, pro se, Wewahitchka, FL, for Petitioner. *839 No Appearance for Respondent. PER CURIAM. William E. Peterson petitions this Court for writ of mandamus.

We have jurisdiction. See art. V, § 3(b)(8), Fla. Const. We grant Peterson's motion for leave to proceed in forma pauperis. However, for the reasons set forth below, we deny the petition and impose sanctions against Peterson for his continued abuse of the judicial system. Like the vast majority of Peterson's filings, the instant petition for writ of mandamus is conclusory and facially insufficient.

Over the years Peterson has filed a large number of facially insufficient pro se writ petitions as well as pleadings that improperly sought to invoke the jurisdiction of this Court.[1] For that reason, on *840 May 29, 2001, this Court issued an order to Peterson requiring that he show cause why, as a sanction for abusing the judicial system, this Court should not reject for filing any facially insufficient or frivolous filings and place them in an inactive file with no further action taken.

The Court also ordered Peterson to show cause why any current facially insufficient or frivolous petitions should not be immediately dismissed. Peterson's response to that order was equally incomprehensible. Like most of his pleadings, Peterson's response was conclusory in nature and full of abstract references to state and federal constitutional and statutory provisions with no mention of how these provisions relate to his own case.

Peterson's response only serves to confirm the statement made by this Court in the order to show cause that Peterson's filings are "frivolous, incomprehensible [and] facially insufficient." Peterson's writ petitions generally consist of a one-page document making conclusory statements

that his constitutional rights have been violated. Peterson rarely provides any facts or explanation as to how these rights have been violated and thus they generally have been deemed insufficient.

Although Peterson's filings have usually been disposed of without the need for a response, due to the sheer number of filings and the fact that they are nearly illegible, in disposing of these frivolous petitions, this Court has been forced to spend a significant amount of its time that could have been spent analyzing petitions with potential merit. This Court has a responsibility to ensure every citizen's right of access to the courts.

To further that end, on occasion, this Court has had to limit the filings of individuals who have "deluged [the] Clerk's office with incomprehensible correspondence," and filed multiple frivolous petitions. *Attwood v. Singletary*, 661 So.2d 1216, 1217 (Fla.1995).

In limiting Attwood's filings, the Court noted that such action did not violate the constitutional right of access to the courts: This order should not be construed as a diminution of our support for the principle of free access to the courts.

To the contrary, this order furthers the right of access because it permits us to devote our finite resources to the consideration of legitimate claims of persons who have not abused the process. *Id.* Like the individual in Attwood, Peterson has abused the processes of this Court with his constant meritless filings. A limitation on Peterson's ability to file would further the constitutional right to access for other litigants because it would permit this Court to devote its finite resources to the consideration of legitimate claims filed by others.

See generally *In re McDonald*, 489 U.S. 180, 184, 109 S.Ct. 993, 103 L.Ed.2d 158 (1989) (finding that "[e]very paper filed with the Clerk of this Court, no matter how repetitious or frivolous, requires some portion of the institution's limited resources"). Another court has already had to impose limitations on Peterson.

On August 24, 1988, the First District concluded in *Peterson v. State*, 530 So.2d 424, 425 (Fla. 1st DCA 1988), that there is irrefutable evidence before us that appellant has no understanding of the appellate process and, further, that he is unwilling or unable to acquire such *841 knowledge. Instead, he is content to place a substantial burden on the resources of this court by his persistent filing of notices of appeal, petitions for extraordinary writ, and pleadings, all of which produce no meaningful result.

After issuing an order to show cause, the First District barred Peterson from filing any more appeals or petitions in that court without an attorney. This Court now finds itself in a similar predicament as that faced by the First District. Consequently, this Court exercises its inherent authority to prevent the abuse of the judicial system.

Accordingly, we hereby deny Peterson's petition for writ of mandamus and henceforth this Court will not accept from Peterson for filing any pleadings, petitions, motions, documents, or other filings that are facially insufficient or incomprehensible and any such filings shall be placed in an inactive file with no further action taken. All pending motions are denied and any currently pending petitions will be immediately dismissed.

It is so ordered. WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE, LEWIS, and QUINCE, JJ., concur. NOTES [1] See Peterson v. State, No. 95,503 (Fla. Nov. 16, 1999) (habeas corpus transferred); Peterson v. State, 743 So.2d 14 (Fla.1999) (table) (No. 96,248) (habeas denied); Peterson v. State, No. 95,759 (Fla. Sept. 14, 1999) (habeas corpus transferred); Peterson v. State, No. 95,991 (Fla.

Aug. 24, 1999) (habeas corpus transferred); Peterson v. State, No. 95,758 (Fla. Aug. 23, 1999) (habeas corpus transferred); Peterson v. State, No. 95,809 (Fla. Aug. 17, 1999) (habeas corpus transferred); Peterson v. State, 729 So.2d 393 (Fla.1999) (table) (No. 94,891) (habeas corpus dismissed); Peterson v. State, 718 So.2d 1234 (Fla.1998) (table) (No. 93,582) (habeas corpus denied); Peterson v. State, 717 So.2d 536 (Fla.1998) (table) (No.

92,528) (habeas corpus denied); Peterson v. Office of Appeal, 717 So.2d 536 (Fla.1998) (table) (No. 92,529) (habeas corpus denied); Peterson v. State, 705 So.2d 9 (Fla.1997) (table) (No. 91,878) (habeas corpus denied); Peterson v. Department of Children & Family, 697 So.2d 1217 (Fla.1997) (table) (No. 90,991) (habeas corpus denied); Peterson v. State, 697 So.2d 511 (Fla.1997) (table) (No.

90,711) (habeas corpus denied); Peterson v. State, 697 So.2d 1217 (Fla.1997) (table) (No. 90,644) (habeas corpus denied); Peterson v. State, 687 So.2d 1305 (Fla.1996) (table) (No. 89,549) (habeas corpus denied); Peterson v. State, 686 So.2d 580 (Fla.1996) (table) (No. 89,459) (appeal dismissed; habeas corpus denied); Peterson v. State, 684 So.2d 1352 (Fla. 1996) (table) (No.

89,110) (habeas corpus denied); Peterson v. State, 683 So.2d 484 (Fla. 1996) (table) (No. 88,979) (habeas corpus denied); Peterson v. State, 683 So.2d 484 (Fla. 1996) (table) (No. 88,926) (habeas corpus denied); Peterson v. State, 682 So.2d 1100 (Fla. 1996) (table) (No. 89,023) (habeas corpus denied); Peterson v. State, 678 So.2d 339 (Fla. 1996) (table) (No.

88,505) (habeas corpus denied); Peterson v. State, 681 So.2d 280 (Fla. 1996) (table) (Nos.88,824, 88,901) (habeas corpus denied); Peterson v. State, 678 So.2d 339 (Fla.1996) (table) (No. 88,504) (habeas corpus denied); Peterson v. State, 678 So.2d 339 (Fla.1996) (table) (No. 88,498) (habeas corpus denied); Peterson v. State, 675 So.2d 928 (Fla.1996) (table) (No.

88,170) (habeas corpus denied); Peterson v. State, 666 So.2d 144 (Fla.1995) (table) (No. 87,041) (habeas corpus denied); Peterson v. State, 666 So.2d 144 (Fla.1995) (table) (Nos. 86,943, 86,944, 86,945) (habeas corpus denied); Peterson v. Department of Health & Rehab. Servs., 663 So.2d 631

(Fla.1995) (table) (No. 86,736) (habeas corpus denied); Peterson v. Circuit Court of Escambia County, 657 So.2d 1163 (Fla.

1995) (table) (No. 85,163) (mandamus denied); Peterson v. State, 657 So.2d 1163 (Fla. 1995) (table) (No. 85,120) (petition for review denied); Peterson v. State, 658 So.2d 992 (Fla. 1995) (table) (No. 85,822) (petition for review denied); Peterson v. State, 659 So.2d 1088 (Fla.1995) (table) (No. 85,735) (habeas corpus denied); Peterson v. State, 657 So.2d 1163 (Fla.1995) (table) (No.

85,220) (petition for review transferred); Peterson v. State, 654 So.2d 919 (Fla.1995) (table) (No. 85,476) (habeas corpus denied); Peterson v. State, 652 So.2d 817 (Fla.1995) (table) (No. 85,153) (habeas corpus denied); Peterson v. State, 650 So.2d 990 (Fla.1995) (table) (No. 84,944) (petition for review transferred); Peterson v. State, 637 So.2d 236 (Fla.

1994) (table) (No. 83,151) (habeas corpus denied); Peterson v. State, 606 So.2d 1166 (Fla.1992) (table) (No. 80,519) (habeas corpus denied); Peterson v. State, 605 So.2d 1265 (Fla.1992) (table) (No. 80,481) (habeas corpus denied); Peterson v. State, 605 So.2d 1265 (Fla.1992) (table) (No. 79,846) (petition for review dismissed); Peterson v. Jason, 539 So.2d 475 (Fla.1989) (table) (No.

72,636) (petition for review denied); Peterson v. State, 536 So.2d 244 (Fla. 1988) (table) (No. 73,183) (habeas corpus dismissed); Peterson v. County of Santa Rosa, 531 So.2d 1354 (Fla.1988) (table) (No. 72,465) (petition for review dismissed); Peterson v. State, 605 So.2d 1265 (Fla. 1992) (table) (No. 79,846) (Petition for review denied). Further, a number of additional petitions not listed here may have been submitted since the instant petition.