

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

David Charles Sussman v. State of Florida

Sussman · No. 5D2024-3343 · Decided August 15, 2025

SUMMARY

The Fifth District Court of Appeal of Florida affirmed an order denying David Charles Sussman's postconviction motions. The court cautioned that further abusive, repetitive, malicious, or frivolous pro se filings arising from the same Volusia County criminal case could result in sanctions, including a bar on pro se filing.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Wallis; Lambert; Kilbane
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	August 15, 2025
DOCKET	5D2024-3343
DISPOSITION	affirmed
PROCEDURAL POSTURE	Pro se appeal from an order of the Volusia County Circuit Court denying postconviction motions under Florida Rule of Criminal Procedure 3.850.
PRECEDENTIAL VALUE	Published intermediate appellate opinion
PARTIES	David Charles Sussman v. State of Florida

TOPICS

- post-conviction relief state post-conviction relief appellate procedure criminal procedure

PRACTICE AREAS

- Criminal law Postconviction relief Appellate procedure

QUESTIONS PRESENTED

- Whether the circuit court properly denied Appellant's postconviction motions.
- Whether the appellate court should caution Appellant that further abusive, repetitive, malicious, or frivolous pro se filings could result in sanctions.

HOLDINGS

- 1. The order denying Appellant's postconviction motions is affirmed.

FACTUAL BACKGROUND

David Charles Sussman filed postconviction motions arising from his Volusia County criminal case. The appellate court noted that it had previously reviewed and ruled on multiple meritless and duplicative filings stemming from the same case.

PROCEDURAL HISTORY

The circuit court denied Appellant's postconviction motions in Volusia County Circuit Court Case No. 2001-36686-CFAES. Appellant appealed, and the Fifth District Court of Appeal affirmed without further discussion. The appellate court also cautioned that additional abusive, repetitive, malicious, or frivolous pro se filings arising from the same case could result in sanctions, including a bar on pro se filing.

DISPOSITION

affirmed

CASES CITED

- State v. Spencer, 751 So. 2d 47 (Fla. 1999)
- Lavender v. State, 6 So. 3d 713, 714 (Fla. 5th DCA 2009)

OPINION

PER CURIAM.

FIFTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
_____ Case No. 5D2024-3343 LT Case No. 2001-36686-CFAES
_____ DAVID CHARLES SUSSMAN, Appellant, v. STATE OF
FLORIDA, Appellee. _____ 3.850 Appeal from the Circuit Court for
Volusia County. Elizabeth Ann Blackburn, Judge. David Charles Sussman, Arcadia, pro se.

James Uthmeier, Attorney General, Tallahassee, and Douglas T. Squire, Assistant Attorney General, Daytona Beach, for Appellee. August 15, 2025 PER CURIAM. David Charles Sussman (“Appellant”) pro se appeals an order denying his postconviction motions.

We affirm this order without further discussion. This Court has previously reviewed and ruled upon multiple meritless and duplicative filings of Appellant stemming from this same case. Because it appears that Appellant’s filings are abusive, repetitive, malicious, or frivolous, Appellant is cautioned that any further pro se filings in this Court asserting claims stemming from Volusia County Circuit Court Case No. 2001-36686-CFAES may result in sanctions such as a bar on pro se filing in this Court.

See *State v. Spencer*, 751 So. 2d 47 (Fla. 1999); *Lavender v. State*, 6 So. 3d 713, 714 (Fla. 5th DCA 2009). AFFIRMED; APPELLANT CAUTIONED. WALLIS, LAMBERT, and KILBANE, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ 2