

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

CLINT G. HORVATT,

Appellant,

v.

Case No. 5D18-3855

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 22, 2019

3.850 Appeal from the Circuit Court
for Putnam County,
Patti A. Christensen, Judge.

Clint G. Horvatt, Chipley, pro se.

Ashley Moody, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

Following a jury trial, Clint G. Horvatt was convicted and sentenced to life in prison in Putnam County Circuit Court case number 2008-CF-2584. In December 2010, Horvatt appealed his judgment and sentence, and this Court per curiam affirmed. Horvatt v. State, No. 5D10-4206, 2011 WL 3557176 (Fla. 5th DCA Aug. 9, 2011).

After his judgment and sentence became final, Horvatt filed several appeals attacking the lower court's denial of his multiple requests for postconviction relief. Specifically, in May 2013, Horvatt appealed an order dismissing his "motion to co-

counsel,” which this Court dismissed after he failed to respond to a show cause order. In October 2013, Horvatt appealed the lower court’s denial of his first Florida Rule of Criminal Procedure 3.850 motion, and this Court affirmed the order denying relief. Horvatt v. State, 141 So. 3d 194 (Fla. 5th DCA 2014). In April 2015, Horvatt appealed the summary denial of his second and successive Rule 3.850 motion, which this Court affirmed. Horvatt v. State, 171 So. 3d 736 (Fla. 5th DCA 2015). In July 2018, Horvatt filed an “Emergency Petition for All Writ of Habeas Corpus Manifest Injustice/‘Constitutional’ Miscarriage of Justice” pursuant to Florida Rules of Criminal Procedure 3.850(m) and 3.800(a). The lower court denied the motion, finding that Horvatt was attempting to circumvent the process provided in Florida’s rules of criminal procedure. In December 2018, Horvatt filed a petition for writ of habeas corpus in this Court raising the same claims he raised below. This Court treated the petition as a notice of appeal of a Rule 3.850 summary denial and per curiam affirmed. Horvatt v. State, No. 5D18-3855, 2019 WL 494462 (Fla. 5th DCA Feb. 5, 2019).

Due to Horvatt’s apparent abuse of the legal process by his abusive, repetitive, malicious, or frivolous pro se filings attacking his sentence in the above referenced case, this Court issued an order directing Horvatt to show cause as to why he should not be prohibited from future pro se filings. See State v. Spencer, 751 So. 2d 47, 48 (Fla. 1999). Having carefully considered Horvatt’s response and finding that it fails to show cause as to why sanctions should not be imposed, we conclude that he is abusing the judicial process and should be barred from further pro se filings.

Therefore, in order to conserve judicial resources, Horvatt is prohibited from filing with this Court any further pro se filings concerning the referenced case. The Clerk of this

Court is directed not to accept any further pro se filings concerning the referenced case. Any future filings regarding the referenced case will be summarily rejected by the Clerk, unless filed by a member in good standing of The Florida Bar. See Isley v. State, 652 So. 2d 409, 411 (Fla. 5th DCA 1995) (“Enough is enough.”). The Clerk is further directed to forward a certified copy of this opinion to the appropriate institution for consideration of disciplinary proceedings. See § 944.279(1), Fla. Stat. (2018); Simpkins v. State, 909 So. 2d 427, 428 (Fla. 5th DCA 2005).

Future pro se filings PROHIBITED.

ORFINGER, COHEN and HARRIS, JJ., concur.