

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2023-2193

WAYNE ALLEN PULA,

Appellant,

v.

RICKY D. DIXON, Secretary,
Florida Dept. of Corrections, et
al.,

Appellees.

On appeal from the Circuit Court for Madison County.
Melissa G. Olin, Judge.

November 13, 2024

PER CURIAM.

Wayne Allen Pula appeals the trial court's order denying his petition for writ of habeas corpus in which he argued he is entitled to immediate release from his life sentence imposed after a 1989 jury trial with a conviction for second-degree murder. Finding no error by the trial court, we affirm.

Pula's judgment and sentence were affirmed on direct appeal. *See Pula v. State*, 578 So. 2d 1115 (Fla. 5th DCA 1991). Since then, he has unsuccessfully moved for postconviction relief on at least four other occasions. *See Pula v. State*, 624 So. 2d 737 (Fla. 5th DCA 1993), *Pula v. State*, 652 So. 2d 981 (Fla. 5th DCA 1995)

(affirming order denying postconviction motion filed under Florida Rule of Criminal Procedure 3.800(a)), *Pula v. State*, 833 So. 2d 154 (Fla. 5th DCA 2002), *Pula v. State*, 969 So. 2d 1173 (Fla. 5th DCA 2007) (barring Pula from future pro se filings in the Fifth District).

The court finds this appeal frivolous and refers Pula to the Department of Corrections for sanctions. *See* § 944.279, Fla. Stat. (2023) (providing that “[a] prisoner who is found by a court to have brought a frivolous or malicious suit, action, claim, proceeding, or appeal . . . is subject to disciplinary procedures pursuant to the rules of the Department of Corrections”); *Ponton v. Willis*, 172 So. 3d 574, 576 (Fla. 1st DCA 2015) (explaining that a *Spencer* order is not required before a court may refer an inmate for disciplinary action under the statute based on a frivolous filing).

The court warns Pula that any future filings that this court determines to be frivolous or malicious may result in the imposition of further sanctions, including a prohibition against any future pro se filings in this court.

AFFIRMED.

ROWE, KELSEY, and LONG, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Wayne Allen Pula, pro se, Appellant.

Ashley Moody, Attorney General, and Brian R. Flynn-Fallon, Assistant Attorney General, Tallahassee, for Appellees.