

Third District Court of Appeal

State of Florida

Opinion filed September 30, 2026.
Not final until disposition of timely filed motion for rehearing.

No. 3D25-2558
Lower Tribunal No. F12-15917

Dwayne Lebarr,
Appellant,

vs.

State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Laura Anne Stuzin, Judge.

Dwayne Lebarr, in proper person.

James Uthmeier, Attorney General, and Ryan Patrick Schelwat, Assistant Attorney General, for appellee.

Before LINDSEY, LOBREE and GOODEN, JJ.

PER CURIAM.

Appellant, Dwayne Lebarr filed his seventh Florida Rule of Criminal Procedure 3.850 post-conviction relief motion alleging that records he obtained, a decade after his convictions became final, from the United States Marshals Service via a Freedom of Information Act request constituted “newly discovered evidence” entitling him to a new trial.

Lebarr raised an identical claim in his sixth post-conviction motion with respect to the claims directed at the records obtained from the U.S. Marshals Service. “Claims raised and rejected in prior postconviction proceedings are procedurally barred from being relitigated in a successive motion.” Owen v. State, 364 So. 3d 1017, 1023 (Fla. 2023) (quotation modified) (quoting Hendrix v. State, 136 So. 3d 1122, 1125 (Fla. 2014)).

Here, Lebarr’s claims raised in each post-conviction motion on the record were attempts to relitigate an issue already decided on the merits: whether correspondence with and between investigating agencies would entitle him to a new trial. As such, the trial court was empowered to summarily deny his motion. See Walters v. State, 410 So. 3d 1270, 1272 (Fla. 3d DCA 2025).

Affirmed.