

# Third District Court of Appeal

State of Florida, January Term, A.D. 2009

Opinion filed February 18, 2009.

Not final until disposition of timely filed motion for rehearing.

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Nos. 3D08-1044 & 3D08-1198  
Lower Tribunal No. 76-2337

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**Allen Dale Owens,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, John Thornton and Lawrence Schwartz, Judges.

Allen Dale Owens, in proper person.

Bill McCollum, Attorney General, and Timothy R.M. Thomas, Assistant Attorney General, for appellee.

Before GERSTEN, C.J., SHEPHERD, J., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed. See State v. McBride, 848 So. 2d 287, 291 (Fla. 2003)

(“Collateral estoppel . . . precludes a defendant from rearguing in a successive rule 3.800 motion the same issue argued in a prior motion.”).