

# Third District Court of Appeal

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

Opinion filed April 1, 2009.

Not final until disposition of timely filed motion for rehearing.

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No. 08-3158

Lower Tribunal No. 90-45486

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**Anthony Simon,**  
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, Peter Adrien, Judge.

Anthony Simon, in proper person.

Bill McCollum, Attorney General, for appellee.

Before COPE, RAMIREZ, and SALTER, JJ.

PER CURIAM.

Affirmed. See Fuston v. State, 764 So. 2d 779 (Fla. 2d DCA 2000) (holding that “a defendant is not entitled to successive review on a rule 3.800(a) motion of a

specific issue which has already been decided against him.”); Swain v. State, 911 So. 2d 140, 142 (Fla. 3d DCA 2005) (holding that a defendant is not entitled to successive review of a specific issue decided against him in an earlier post-conviction proceeding even if the question concerns the legality of his sentence).