

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

TOMMY J. ZENKER,

Appellant,

v.

Case No. 5D20-4

CLERK OF THE CIRCUIT COURT,
LAKE COUNTY, FLORIDA AND
STATE OF FLORIDA,

Appellees.

_____ /

Opinion filed September 25, 2020

Appeal from the Circuit Court
for Lake County,
James R. Baxley, Judge.

Tommy J. Zenker, Milton, pro se.

Ashley Moody, Attorney General,
Tallahassee, and Wesley Heidt, Assistant
Attorney General, Daytona Beach, for
Appellee, State of Florida.

No Appearance for Appellee Clerk of the
Circuit Court, Lake County.

PER CURIAM.

We affirm the order denying Appellant's amended mandamus petition. See *Chapman v. State*, 910 So. 2d 940, 941 (Fla. 5th DCA 2005) ("To be entitled to a writ of mandamus, the petitioner must have a clear legal right to the requested relief, the

respondent must have an indisputable legal duty to perform the requested action, and the petitioner must have no other adequate remedy.”).

Our affirmance is without prejudice to Appellant seeking relief in the circuit court pursuant to section 951.16, Florida Statutes (2006) (“Every person who may be imprisoned in the county jail for failure to pay a fine and costs, or either, under sentence imposed upon conviction for crime shall be entitled to receive . . . a credit on such fine and costs, or either, as the case may be, in proportion to the time such person may be imprisoned.”).

AFFIRMED.

EVANDER, C.J. and ORFINGER, J., concur.
TRAVER, J., concurs in result only.