

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DONALD CRAIG GORE,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D05-5797

Opinion filed October 18, 2006.

Petition for Writ of Prohibition/Petition to Invoke All Writs Jurisdiction -- Original
Jurisdiction.

Donald Craig Gore, pro se, Petitioner.

Charlie Crist, Attorney General, and Alan R. Dakan, Assistant Attorney General,
Tallahassee, for Respondent.

PER CURIAM.

Inasmuch as the trial judge failed to rule on petitioner's motion for
disqualification within the 30 day period established by Florida Rule of Judicial

Administration 2.160(j), we grant the petition for writ of prohibition. The order denying petitioner's motion for postconviction relief, which was rendered after the filing of the motion for disqualification, is hereby vacated. See Fuster-Escalona v. Wisotsky, 781 So. 2d 1063 (Fla. 2000). On remand, a new judge shall be assigned, with directions to consider the motion for postconviction relief *de novo*.

KAHN, BENTON, and LEWIS, JJ., CONCUR.