

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

JOSEPH M. HEWITT,

Petitioner,

v.

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

CASE NO. 1D09-3546

STATE OF FLORIDA,

Respondent.

Opinion filed December 15, 2009.

Petition for Writ of Mandamus -- Original Jurisdiction.

Joseph M. Hewitt, pro se, Petitioner.

Bill McCollum, Attorney General, and Trisha Meggs Pate, Assistant Attorney
General, Tallahassee, for Respondent.

PER CURIAM.

The petition for writ of mandamus is granted. The circuit court is directed to hold an evidentiary hearing, if needed, and rule on the pending motion for postconviction relief within 60 days. Although we grant the petition, we withhold the actual issuance of the writ, trusting that it is unnecessary in light of this ruling.

HAWKES, C.J., BENTON and THOMAS, JJ., CONCUR.