

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

TEDRICK DONALDSON,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

No. 4D07-1094

[May 16, 2007]

PER CURIAM.

Petitioner is currently serving sentences in the Department of Corrections for charges from Polk County. Indian River County has filed a detainer against him, and the petition alleges that an information charging armed robbery was filed in 2003. Petitioner filed a notice of expiration of the speedy trial *without demand* time limitation in early 2007. Fla. R. Crim. P. 3.191(a). He then filed a motion for discharge.

Petitioner is not entitled to application of the speedy trial *without demand* time limitation under these circumstances. *Edwards v. Allen*, 603 So. 2d 514 (Fla. 2d DCA), *review denied*, 613 So. 2d 3 (Fla. 1992). Neither the detainer, nor the filing of the information, constitute an arrest for purposes of rule 3.191(a). *Id.* To the extent the petition alleges entitlement to relief on this basis, i.e. the speedy trial *without demand* rule, the petition is denied. If an information has been filed in the Indian River County case, petitioner can file a demand for speedy trial pursuant to rule 3.191(b).

The petition for writ of prohibition is denied without prejudice.

GUNTHER, POLEN and HAZOURI, JJ., concur.

* * *

Petition for writ of prohibition to the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert Pegg, Judge; L.T. Case No. 02-277 CF.

Tedrick Donaldson, Perry, pro se.

No response required for respondent.

Not final until disposition of timely filed motion for rehearing