

Third District Court of Appeal

State of Florida, July Term, A.D. 2007

Opinion filed December 19, 2007.

Not final until disposition of timely filed motion for rehearing.

No. 3D07-2537

Lower Tribunal No. 01-33638

Tyrone Barbary,
Petitioner,

vs.

The State of Florida,
Respondent.

A Case of Original Jurisdiction – Petition for Writ of Mandamus.

Tyrone Barbary, in proper person.

Bill McCollum, Attorney General, and Richard Polin, Assistant Attorney General; Katherine Fernandez-Rundle, State Attorney, and Christopher A. Angell, Assistant State Attorney, for respondent.

Before COPE, RAMIREZ, and SALTER, JJ.

PER CURIAM.

On review of Tyrone Barbary's Petition for Writ of Mandamus, we grant the petition and order the trial court to rule on the petitioner's motion for rehearing and

amended motion for rehearing of petitioner's 3.850 motions. The trial court also is ordered to rule on Petitioner's amended motion for post-conviction relief filed on January 29, 2007, and the petitioner's Motion to Rule filed on August 24, 2007. In its response to the Petition for Writ of Mandamus, the State does not explain why the circuit court has not ruled on these motions.