

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

VEL TYLER,

Petitioner,

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

v.

CASE NO. 1D03-1550

STATE OF FLORIDA,

Respondent.

Opinion filed November 26, 2003.

Petition for Writ of Mandamus -- Original Jurisdiction.

Vel Tyler, pro se, petitioner.

Charlie Crist, Attorney General, and Bryan Jordan, Assistant Attorney General,
Tallahassee, for respondent.

PER CURIAM.

Vel Tyler petitions this court for a writ of mandamus, contending that the Circuit
Court in and for Alachua County has unreasonably delayed disposition of his motion

for postconviction relief. Having now considered the petition and the response filed on behalf of respondent State of Florida, we agree with petitioner. See Bernard v. State, 734 So. 2d 606 (Fla. 1st DCA 1999).

The petition for writ of mandamus is granted and the circuit court is directed to act on the motion within 30 days of issuance of mandate in this proceeding by either acting on the motion or by entering an order which sets an evidentiary hearing to be conducted within a reasonable time after entry of the order.

PETITION GRANTED.

ERVIN, BOOTH and KAHN, JJ., concur.