

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

SYLVESTER MARTIN,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

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

CASE NO. 1D04-4962

Opinion filed April 25, 2005.

Petition for Writ of Mandamus -- Original Jurisdiction.

Sylvester Martin, pro se, petitioner.

Charlie Crist, Attorney General, and Tracy Lee Cooper, Assistant Attorney General,
Tallahassee, for respondent.

PER CURIAM.

The petition for writ of mandamus is granted. Within 60 days, the trial court is directed to rule on petitioner's pending motion for postconviction relief. We withhold issuance of the writ, being confident that the trial court will rule forthwith on the pending motion and will take such further action as is required in a timely manner.

PETITION GRANTED.

WOLF, C.J., DAVIS and PADOVANO, JJ., concur.