

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

RODNEY VANCE,

Petitioner,

v.

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

CASE NO. 1D14-3149

STATE OF FLORIDA,

Respondent.

Opinion filed November 26, 2014.

Petition for Writ of Mandamus -- Original Jurisdiction.

Matt Shirk, Public Defender, and Elizabeth H. Webb, Assistant Public Defender,
Jacksonville, for Petitioner.

Pamela Jo Bondi, Attorney General, and Trisha Meggs Pate, Assistant Attorney
General, Tallahassee, for Respondent.

PER CURIAM.

Rodney Vance petitions this court for mandamus relief to compel the circuit
court to dispose of his pending petition for writ of mandamus. Although filed in his

criminal case, that petition seeks to compel his retained trial counsel, the Public Defender for the Fourth Judicial Circuit, and the Public Defender for the Second Judicial Circuit to comply with his requests under the Public Records Act for copies of discovery materials in his criminal case.

We are advised that the circuit court has issued an order to show cause directing the Offices of the Public Defenders and retained counsel to respond to Vance's petition below, and we conclude that under the unusual circumstances of this case, intervention by this court is unwarranted at this point. See Munn v. Florida Parole Commission, 807 So. 2d 733 (Fla. 1st DCA 2002); see also Lassiter v. Martin, 99 So. 3d 1000 (Fla. 1st DCA 2012). The circuit court itself recognized in its order to show cause that Vance is entitled to a prompt disposition of his claim. However, it appears that the cause for any delay in fulfilling Vance's request for records is not due to a refusal to comply with the Public Records Act, but rather an inability to locate the records requested. We are confident that the circuit court will promptly address the merits of Vance's petition below once it has had the opportunity to resolve the threshold question of whether any of the parties to whom Vance's requests were directed in fact have the records he seeks.

Because of the need for the circuit court to resolve this factual issue, we find that its order to show cause is not a departure from the essential requirements of section 119.11(1), Florida Statutes (2014), which provides for accelerated consideration and

case priority for claims seeking to enforce the Public Records Act, and therefore deny Vance's alternative request that we undertake certiorari review of the order to show cause. We nonetheless direct that petitioner's claim be expedited and resolved as promptly as circumstances permit.

PETITION FOR WRIT OF MANDAMUS DENIED.

LEWIS, C.J., THOMAS and OSTERHAUS, JJ., CONCUR.