

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

SCOTT CLAPP,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-3886

[March 18, 2015]

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Karen M. Miller, Judge; L.T. Case No. 2000CF012595AXX and 2002CF001398AXX.

Scott Clapp, Cross City, pro se.

No appearance required for appellee.

PER CURIAM.

We affirm the trial court's order denying appellant's rule 3.850 motion, which the court treated as a petition for writ of habeas corpus. During the course of the proceedings below, the state withdrew the affidavits charging appellant with a violation of probation (VOP) in the two lower tribunal case numbers in question. Appellant's argument concerns the propriety of a detainer that has been lodged against him based on warrants issued on the now withdrawn VOP affidavits. Our affirmance is without prejudice for appellant to request that the arrest warrants be vacated and, if necessary, to pursue mandamus relief to compel the sheriff to remove the detainer. *See generally Moore v. State*, 137 So. 3d 611, 613 (Fla. 4th DCA 2014); *Perkins v. State*, 766 So. 2d 1173, 1175 (Fla. 5th DCA 2000) (explaining that a mandamus action filed in the circuit court with jurisdiction over the party improperly lodging the detainer is the proper remedy where the defendant alleged that he is entitled to removal of the detainer).

Affirmed.

GROSS, LEVINE and KLINGENSMITH, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.