

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2008*

**DOMINGO RODRIGUEZ, JR.,**  
Petitioner,

v.

**PALM BEACH COUNTY DIVISION  
OF ANIMAL CARE AND CONTROL,**  
Respondent.

No. 4D08-1850

[August 27, 2008]

PER CURIAM.

Domingo Rodriguez, Jr., has filed a petition for writ of certiorari/prohibition. We grant certiorari relief upon concluding that Rodriguez's appellate rights were frustrated by the *nunc pro tunc* order that sought to transfer jurisdiction of the lower court proceedings from the county court to the circuit court in light of the amount of the judgment. See *White v. Marine Transport Lines, Inc.*, 372 So. 2d 81, 84 (Fla. 1979). A *nunc pro tunc* order may be used to correct the record of an order actually made, but perhaps entered "incorrectly in the court records or not entered at all." *In re Riha's Estate*, 369 So. 2d 404, 404 (Fla. 2d DCA 1979); see also *Robinson v. Tootalian*, 691 So. 2d 52, 52 n.1 (Fla. 4th DCA 1997) (holding "[o]rders are entered *nunc pro tunc* generally for the purpose of making effective a judicial act previously taken which is not apparent from the record."). In this case no ruling had been made on the motion to transfer filed almost one year before entry of the *nunc pro tunc* order. On remand, Rodriguez may seek appellate review of the April 22, 2008 final judgment in the circuit court, where the related May 2007 appeal is pending.

STONE, KLEIN and GROSS, JJ., concur.

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Petition for writ of certiorari to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Peter Evans, Judge; L.T. Case No. 50227AP000148XXXXMB.

Glenn H. Mitchell, West Palm Beach, for petitioner.

Shannon Fox, Assistant County Attorney, West Palm Beach, for respondent.

***Not final until disposition of timely filed motion for rehearing.***