

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

HAROLD GOVONI,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

No. 4D09-2371

[October 7, 2009]

ON MOTION FOR CLARIFICATION

PER CURIAM.

We grant petitioner's motion for clarification and amend our opinion only to note that although Govoni's motion was not sworn to as required by Rule 3.190(c), the trial court obviated the need to provide a sworn motion by acknowledging that the motion would be denied in any event because the State's traverse placed essential material facts in dispute.

GROSS, C.J., HAZOURI and DAMOORGIAN, JJ., concur.

* * *

Petition for writ of prohibition to the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Jonathan D. Gerber, Judge; L.T. Case No. 2008CF005204.

Paul Morris of Law Offices of Paul Morris, P.A., Miami, and William D. Matthewman of Seiden, Alder, Matthewman & Bloch, P.A., Coral Springs, for petitioner.

No appearance required for respondent.