

**IN THE CIRCUIT COURT  
OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY  
STATE OF FLORIDA**

ERNEST L. MAGANA  
CLERK OF CIRCUIT COURT  
ESCAMBIA COUNTY, FL

2010 AUG 24 P 3:14

CIRCUIT CIVIL DIVISION  
FILED & RECORDED

**LAWRENCE KNIGHT,**

**Petitioner,**

vs.

**STATE OF FLORIDA,**

**Respondent.**

Case No.: ~~2010 CA 002031~~ #

Division: E

---

**ORDER DISMISSING PETITION FOR WRIT OF MANDAMUS**

---

**THIS CAUSE** is before the Court on Petitioner's "Petition for Writ of Mandamus," filed July 13, 2010. After due consideration of the petition, the record, and the relevant legal authority, the Court finds that the instant petition should be dismissed.

Petitioner alleges that, on August 12, 2003, he was sentenced to a one-year suspended jail term in misdemeanor case number 03-24460, and ordered to pay a fine and appear in court on March 9, 2004. Petitioner further alleges that he was sent to state prison for a felony conviction in January 2004, and that a detainer has been lodged against him based on the misdemeanor case. Consequently, Defendant asks that this Court to issue a ruling that he "did not willfully fail to appear as ordered and directed to do on March 9, 2004," and to determine that the detainer in case number 03-24460 should be dismissed.

The common law writ of mandamus is available to compel an official to perform duties that the official is charged by law to perform, if the party seeking the writ has a clear legal right to compel performance of the act and the petitioner has no other adequate remedy available. See Plymel v.

Case: 2010 CA 002031



00052651844

Dkt: CA1033 Pg#: 2

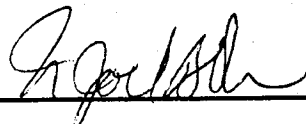
5

**Lawrence Knight v. State, 2010 CA 002031**  
**Page 2; Order Dismissing Petition for Writ of Mandamus**

Moore, 770 So. 2d 242, 246 (Fla. 1st DCA 2000) (citations omitted). However, "the act commanded by the writ must be ministerial and cannot be one that the party sought to be coerced has any discretion in performing . . . [M]andamus is proper to enforce a right which is clearly and certainly established in the law, but not to litigate the existence of such a right." Soto v. Board of County Commissioners, 716 So. 2d 863, 864 (Fla. 5th DCA 1998).

Petitioner has failed to demonstrate that he has a clear legal right to the relief he seeks, or that he has no other legal remedy available.<sup>1</sup> Accordingly, it is hereby **ORDERED AND ADJUDGED** that Petitioner's *pro se* Petition for Writ of Mandamus is **DISMISSED**. Petitioner has thirty (30) days to file notice of appeal, should he so choose.

**DONE AND ORDERED** in Chambers at Pensacola, Escambia County, Florida, this 24<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
**W. JOEL BOLES**  
CIRCUIT JUDGE

WJB/krw

Copies to:

- ✓ Lawrence Knight, DC# 213015, Bay Correctional Facility, 5400 Bayline Drive, Panama City, FL 32404
- ✓ ASA, Division E, Office of the State Attorney

0/2/10/10/10

<sup>1</sup> For example, Petitioner makes no showing that he has moved for relief in the trial court.