

# Third District Court of Appeal

State of Florida, January Term, A.D., 2008

Opinion filed May 14, 2008.

Not final until disposition of timely filed motion for rehearing.

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No. 3D08-684

Lower Tribunal No. 01-17477

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**Emmanuel Domond,**  
Petitioner,

vs.

**The State of Florida,**  
Respondent.

An Appeal from the Circuit Court for Miami-Dade County, Rosa I. Rodriguez, Judge.

Emmanuel Domond, in proper person.

Bill McCollum, Attorney General, and Richard L. Polin, Assistant Attorney General, for respondent.

Before GERSTEN, C.J., and COPE and LAGOA, JJ.

PER CURIAM.

We deny without prejudice Emmanuel Domond's ("Domond") petition for

writ of mandamus, where he seeks to compel the trial court to rule on his motion to correct sentence. Domond asserts that he filed his motion on or about December 27, 2006. The State of Florida, however, has responded that it is unable to locate a copy of the motion. Additionally, the clerk of the circuit court has also been unable to locate the motion in question. Accordingly, we deny the petition without prejudice for Domond to re-file his motion in order that the trial court may timely rule on it. If Domond re-files his motion, we direct him to serve a copy of the motion with the Office of the Attorney General.

Petition for writ of mandamus denied without prejudice.