

# Supreme Court of Florida

MONDAY, MAY 18, 2009

CASE NO.: SC09-55

Lower Tribunal No(s): 5D08-3764,  
08-1006-CF

JAMES A. DRAIN

vs. STATE OF FLORIDA

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Petitioner(s)

Respondent(s)

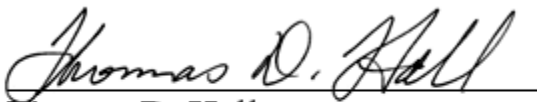
Because a writ of mandamus will not be issued where to do so would prove unavailing or compliance with it would be nugatory or without beneficial results to the petitioner, the petition for writ of mandamus is denied. See State ex rel. Ostroff v. Pearson, 61 So. 2d 325 (Fla. 1952); Campbell v. State ex rel. Garret, 183 So. 340 (Fla. 1938); State ex rel. Bergin v. Dunne, 71 So. 2d 746 (Fla. 1954) (mandamus will not be used to compel respondent to do a vain or useless thing). Cf. Logan v. State, 846 So. 2d 472, 479 (Fla. 2003).

All motions or other requests for relief are hereby denied.

PARIENTE, LEWIS, CANADY, LABARGA, and PERRY, JJ., concur.

A True Copy

Test:



Thomas D. Hall  
Clerk, Supreme Court



bm

Served:

HON. SUSAN WRIGHT, CLERK  
JAMES A. DRAIN  
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