

Supreme Court of Florida

THURSDAY, MAY 7, 2009

CASE NO.: SC09-353

Lower Tribunal No(s): 3D08-3218,

F02-26120

JAMES S. HARRIS

vs. STATE OF FLORIDA

Petitioner(s)

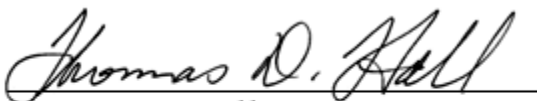
Respondent(s)

Because a writ of mandamus cannot be issued to direct the manner in which a court shall act in the lawful exercise of its jurisdiction, the petition for writ of mandamus is denied. State ex rel. North St. Lucie River Drainage Dist. v. Kanner, 11 So. 2d 889, 890 (Fla. 1943); see also Migliore v. City of Lauderhill, 415 So. 2d 62, 63 (Fla. 4th DCA 1982) (stating that mandamus "is not an appropriate vehicle for review of a merely erroneous decision nor is it proper to mandate the doing (or undoing) of a discretionary act"), approved, 431 So. 2d 986 (Fla. 1983).

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

A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



bm

Served:

JAMES S. HARRIS

HON. BILL MCCOLLUM

HON. MARY CAY BLANKS, CLERK

HON. HARVEY RUVIN, CLERK