

Supreme Court of Florida

THURSDAY, DECEMBER 26, 2013

CASE NO.: SC13-1038

Lower Tribunal No(s): 5D11-2086;

1998-CF-9944-A

BENJAMIN E. SMITH

vs. STATE OF FLORIDA

Petitioner(s)

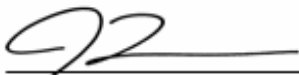
Respondent(s)

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, QUINCE, CANADY, LABARGA, and PERRY, JJ., concur.

A True Copy

Test:



John A. Tomasino

Clerk, Supreme Court



sh

Served:

HON. PAMELA JO BONDI

BENJAMIN E. SMITH

HON. COLLEEN M. REILLY, INTERIM CLERK

HON. PAMELA R. MASTERS, CLERK