

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

vs.

CASE NO. \_\_\_\_\_

\_\_\_\_\_,  
Defendant.  
\_\_\_\_\_ /

**MOTION FOR DISPOSITION**

**COMES NOW** the Defendant, \_\_\_\_\_, and respectfully  
moves this Honorable Court to rule on the pending Motion for Postconviction  
Relief filed pursuant to *Fla.R.Crim.P. 3.850* in the above-captioned cause.

In support thereof the Defendant does state:

1. On \_\_\_\_\_ the Defendant filed his Motion for Postconviction  
Relief pursuant to *Fla.R.Crim.P. 3.850*, see Exhibit A.

2.

3.

4.

5. To date no other actions have occurred in this cause.

6. The Defendant has a right to have his motion ruled on within a reasonable time. A “reasonable time” has been defined by our appellate courts as six to nine (6-9) months, e.g., *Brayboy v. Zeidwig*, \_\_\_ So.2d \_\_\_, 19 Fla.L.Weekly D275 (Fla. 4<sup>th</sup> DCA 1994) (180-day period for postconviction motion’s ruling is deemed adequate) and; *Hellum v. State*, 869 So.2d 759 (Fla. 1st DCA 2004) (a nine month delay in ruling is an unreasonable amount of time for Rule 3.850 proceeding’s pendency and mandamus will issue to require a final ruling).

7. This cause should move forward to a final disposition, see *Fla.R.Jud.Admin 2.215(f)*:

**(f) Duty to Rule within a Reasonable Time.**

Every judge has a duty to rule upon and announce an order or judgment on every matter submitted to that judge within a reasonable time...

8. A motion seeking disposition should be filed prior to seeking mandamus relief in a court of superior jurisdictional authority. See *Faison v. Independent Life Insurance*, 859 So.2d 525 (Fla. 1<sup>st</sup> DCA 2003) (“[B]ecause petitioner has failed to show that he has noticed the matter for a hearing or otherwise brought the matter to the attention of the judge, we deny the petition.”) and; *Gore v. State*, 490 So.2d 1366 (Fla. 5<sup>th</sup> DCA 1986) (where state fails to respond or act upon court’s order that court should act in final disposition of a postconviction motion or cause the state to comply to its order).

9. All necessary pleadings have been filed in this cause so that the case is ripe for a final disposition.

**WHEREFORE** the Defendant respectfully prays this Honorable Court to move forward towards a disposition of this cause via a final order granting relief and/or an evidentiary hearing forthwith.

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_  
Defendant, Pro Se

**OATH**

Under the penalties of perjury, I declare and certify that I do understand English and that I have read the foregoing document and that the facts stated in it are true and correct.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant, Pro Se

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished to the Office of the **State Attorney** for \_\_\_\_\_ County, at: \_\_\_\_\_  
\_\_\_\_\_ and to the **Honorable**  
\_\_\_\_\_, **Chief Judge**, at: \_\_\_\_\_  
\_\_\_\_\_ by handing said document to a prison official for mailing by pre-paid first class U.S. mail on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
Defendant, Pro Se  
DC#  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **INDEX TO APPENDIX OF EXHIBITS**

EXHIBIT	DOCUMENT	DATE
A		
B		