

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
Criminal Division

STATE OF FLORIDA

v.

Case No. CRC 89-11425CFANO

KEVIN RICHARD HERRICK /

ORDER DISMISSING MOTION FOR REHEARING

THIS CAUSE having come before the Court on the Defendant's pro se Motion for Rehearing filed December 27, 1993, and the Court having considered the Motion, the file and record, finds that:

The Defendant requests that this Court reconsider the Order denying his Motion for Post-Conviction Relief. However, on December 22, 1993, the Defendant filed an appeal of the denial in the Second District Court of Appeal. Because the appeal is still pending, this Court is without jurisdiction to entertain the Defendant's Motion.

WHEREFORE, IT IS ORDERED AND ADJUDGED that the Defendant's Motion for Rehearing be, and the same is hereby, DISMISSED.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida on this _____ day of _____, 199____.

ORIGINAL SIGNED

JAN 03 1994

CIRCUIT JUDGE Brandt C. Downey III
Circuit Judge

cc: State Attorney

Kevin R. Herrick, B240583✓
DeSoto Correctional Institution
P. O. Drawer 1072
Arcadia, FL 33821

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