

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT

IN AND FOR PINELLAS COUNTY, FLORIDA

Criminal Division

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO. CRC 89-11425-CFANO

KEVIN RICHARD HERRICK,

Defendant.

DEFENDANT'S MOTION TO CORRECT DATE OF FILING PLEADINGS

COMES NOW the defendant, KEVIN RICHARD HERRICK, and respectfully moves this Honorable Court to correct the date on all of the Court's records that defendant timely filed his Motion for Rehearing and Notice of Appeal, and defendant shows the Court as follows:

1. The records of this Court and the record on appeal of the denial of defendant's motion for post-conviction relief incorrectly reflect that defendant first filed a notice of appeal, then an untimely motion for rehearing.

2. This Court dismissed defendant's motion for rehearing presumably because it was filed after the notice of appeal.

3. To the contrary, shortly after the Court rendered its opinion, defendant timely filed a motion for rehearing by registered return receipt mail. (Exhibit "A"). Also see "Certificate of Service", Motion for Rehearing.

4. Further, since the time to appeal was running and it appeared to defendant that the Court was declining to address the points raised in his motion for rehearing, defendant timely filed his notice of appeal.

5. Since defendant timely filed his motion for rehearing and notice of appeal in the correct order, all of the Court's records should be changed to reflect the same.

6. The District Court of Appeal of Florida, Second District, should be promptly provided with this corrected information.

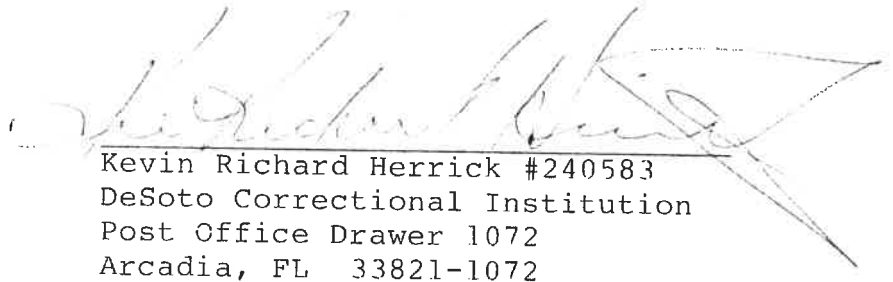
WHEREFORE, the defendant requests that the Court correct the date on all of the Court's records to reflect that defendant timely filed his motion for rehearing and notice of appeal in the correct order, and the district court of appeal should be promptly provided with the corrected information.

Respectfully submitted,

Kevin Richard Herrick #240583
DeSoto Correctional Institution
Post Office Drawer 1072
Arcadia, FL 33821-1072

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing motion was furnished by United States Mail to the Office of the State Attorney, 5100 144th Avenue North, Clearwater, FL 34620, this 12th day of January, 1994.


Kevin Richard Herrick #240583
DeSoto Correctional Institution
Post Office Drawer 1072
Arcadia, FL 33821-1072

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SENDER:

- Complete items 1 and/or 2 for additional services.
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Circuit Judge
Criminal Courts Building
5100 144th Avenue North
Clearwater, FL 34620

4a. Article Number

P 273 574 887

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[Signature]

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