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**DISTRICT COURT OF APPEAL
FOURTH DISTRICT
STATE OF FLORIDA**

ERNESTO BEHRENS,
Petitioner,

v.

Case Number: 4D20-1851

STATE OF FLORIDA,
Respondent.

_____ /

PETITIONER'S MOTION FOR CLARIFICATION

Comes now, the Petitioner, Ernesto Behrens, pro se, and respectfully moves this Honorable Court pursuant to Florida Rule of Appellate Procedure 9.330(a), for Clarification of this Court's November 3, 2020 Order on Petitioner's Writ of Mandamus. In further support, the Petitioner states:

1. On August 10, 2020, the Petitioner filed in this Court his "Petition for Writ of Mandamus."
2. On August 21, 2020, this Court acknowledged the new case and issued its Case Number.: **4DCA#: 20-1851.**

3. On September 18, 2020, this Court issued an Order which states: "ORDERED, that respondent shall file a response within twenty (20) days and show cause why the petition should not be granted. Petitioner may file a reply within ten (10) days of service of the response."

4. On October 8, 2020, the State timely filed its "Response" to Petitioner's Petition.

5. On November 3, 2020, this Court issued its Order on Petitioner's Writ of Mandamus granting the Petitioner's Motion to Recuse Judge Andrew L. Siegel from the case, stating in pertinent part: " ... Because service was by mail, the judge had until August 3, 2020 to rule on the motion... By failing to timely rule on the motion is deemed granted... *The August 4, 2020 order is quashed*, and on remand the clerk shall reassign the case." (Emphasis added).

6. Despite Judge Andrew L. Siegel's knowledge that this Court was entertaining litigation on the Petitioner's Motion to Recuse him since August 10, 2020. The Recused Judge still entered his September 2, 2020 Order denying the Petitioner's "Second Amended Motion for Postconviction Relief" and on October 29, 2020 respectively entered his Order denying the Petitioner's "Motion for Rehearing."

7. Because these two Orders of denial were entered by the recused Judge after the Petitioner filed his Writ of Mandamus but before this Court entered its Order granting recusal. Petitioner needs clarification from this Court and therefore respectfully asks:

Should not both of these Orders be quashed as well?

WHEREFORE, the Petitioner respectfully moves this Honorable Court for Clarification of this Court's November 3, 2020 Order with regard to the Judge's Orders of denial entered after the Petitioner filed for Writ of Mandamus but before this Court granted the Petitioner's Motion to Recuse Judge Andrew L. Siegel from this case.

Respectfully submitted,

[S]

Ernesto Behrens, DC# 732564

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that I placed this document in Martin Correctional Institution official's hands for mailing to: The Fourth District Court of Appeal, 110 South Tamarind Avenue, West Palm Beach, Florida. 33401; to the Office of the Attorney General, at 1515 N. Flagler Dr., Suite 900 West Palm Beach, Florida. 33401; to the Office of the State Attorney, Michael J. Satz, Post-conviction Unit, at 201 S.E. Sixth Street. Fort Lauderdale, Florida 33301; to the Honorable Chief Judge Jack Tuter and to **the subject Judge Andrew L. Siegel's Chamber** at Broward County Main Courthouse, at 201 S.E. Sixth Street. Fort Lauderdale, Florida 33301 (*in compliance with Florida Rule of Civil Procedure 1.080*). On this 17th day of November, 2020.

[S]

Ernesto Behrens, DC# 732564

CERTIFICATE OF COMPLIANCE

I **HEREBY CERTIFY** that this forgoing Petition complies with the font requirements of Fla. R. App. P., 9.210(a)(2) (i.e., double-spaced Times New Roman 14-point font).


[S]
Ernesto Behrens, DC# 732564
Martin Correctional Institution
1150 S.W. Allapattah Road
Indiantown, Florida 34956