

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Horkene Terrell Cade v. State of Florida

No. 3D25-2339 · No. No. 3D25-2339 · Decided December 17, 2025

SUMMARY

The Florida Third District Court of Appeal denied Horkene Terrell Cade’s petition for a writ of mandamus. The court held that mandamus relief was unavailable because the trial court had already entered a written order denying Cade’s motion to correct an illegal sentence.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	Chief Judge SCALES; Judge LINDSEY; Judge GOODEN
JURISDICTION	Florida Third District Court of Appeal
DECIDED	December 17, 2025
DOCKET	No. 3D25-2339
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original-jurisdiction petition for a writ of mandamus seeking to compel the trial court to enter a written order on a motion to correct an illegal sentence so that the petitioner could appeal.
STANDARD OF REVIEW	Mandamus is available to compel performance of a ministerial duty imposed by law when the duty has not been performed; relief is unavailable when the requested writ would be unavailing or nugatory.
PRECEDENTIAL VALUE	Published Florida Third District Court of Appeal opinion
PARTIES	Horkene Terrell Cade v. State of Florida

TOPICS

- appellate procedure
- post-conviction relief
- remedies
- criminal procedure

PRACTICE AREAS

- appellate procedure
- criminal procedure
- post-conviction relief
- mandamus

QUESTIONS PRESENTED

1. Whether mandamus should issue to compel the trial court to enter a written order when the trial court had already entered an order denying the underlying motion.

HOLDINGS

1. Mandamus must be denied because the trial court had already entered a written order denying the motion, leaving no action for the appellate court to compel.

KEY QUOTATIONS

“The writ of mandamus is granted by the courts to enforce the performance of a ministerial duty imposed by law where such duty has not been performed as the law requires.” (2)

“the writ will never be granted in cases when, if issued, it would prove unavailing, or when compliance with it would be nugatory in its effects, or would be without beneficial results and fruitless to the relator.” (2)

FACTUAL BACKGROUND

Cade sought correction of an allegedly illegal sentence and asked the trial court to enter a written order so he could appeal. The trial court entered a written order denying that motion in July 2025, eliminating the act Cade sought to compel.

PROCEDURAL HISTORY

Cade petitioned the Third District Court of Appeal for mandamus. While the petition was pending, the trial court entered a written order denying Cade's motion in July 2025. The appellate court therefore denied the petition because no act remained for mandamus to compel.

DISPOSITION

writ_denied

CASES CITED

- State v. McRae, 38 So. 605, 606 (Fla. 1905)
- State ex rel. Knott v. Haskell, 72 So. 651, 659 (Fla. 1916)
- State ex rel. Buckwalter v. City of Lakeland, 150 So. 508, 511 (Fla. 1933)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed December 17, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-2339 Lower Tribunal Nos. 14-CF-61-A-M, 14-CF-149-A-M & 14-CF-158-A-M _____ Horkene Terrell Cade, Petitioner, vs. State of Florida, Respondent. A Case of Original Jurisdiction – Mandamus.

Horkene Terrell Cade, in proper person. James Uthmeier, Attorney General, for respondent. Before SCALES, C.J., and LINDSEY and GOODEN, JJ. PER CURIAM. Horkene Terrell Cade petitions this Court for a writ of mandamus. He requests that we compel the trial court to enter a written order on his motion to correct illegal sentence so that he may file an appeal. But the trial court entered a written order denying the motion in July 2025.

Since the trial court did so, there is no action for us to compel. See *State v. McRae*, 38 So. 605, 606 (Fla. 1905) (“[T]he writ will never be granted in cases when, if issued, it would prove unavailing, or when compliance with it would be nugatory in its effects, or would be without beneficial results and fruitless to the relator.”); *State ex rel. Knott v. Haskell*, 72 So.

651, 659 (Fla. 1916) (“The writ of mandamus is granted by the courts to enforce the performance of a ministerial duty imposed by law where such duty has not been performed as the law requires.”); *State ex rel. Buckwalter v. City of Lakeland*, 150 So. 508, 511 (Fla. 1933) (“A writ of mandamus is a common-law writ used to coerce the performance of any and all official duties where the official charged by law with the performance of such duty refused or failed to perform the same....”).

For that reason, the petition is denied. Petition denied. 2