

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JULY TERM 2005

FRED D. LARABEE,

Petitioner,

v.

Case No. 5D05-3227

STATE OF FLORIDA,

Respondent.

\_\_\_\_\_ /

Opinion filed December 23, 2005

Petition for Writ of Prohibition,  
Julie H. O'Kane, Respondent Judge.

Warren W. Lindsey and William R. Ponall,  
of Kirkconnell, Lindsey, Snure & Yates,  
P.A., Winter Park, for Petitioner.

No Appearance for Respondent.

PER CURIAM.

We deny the petition without prejudice to petitioner to file a notice of expiration of speedy trial, thereby triggering the recapture provisions of Florida Rule of Criminal Procedure 3.191(p). See *State v. B.S.S.*, 890 So. 2d 487 (Fla. 5th DCA 2004).

WRIT DENIED.

GRIFFIN, THOMPSON and TORPY, JJ., concur.