

**IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327**

April 10, 2001

CASE NO.: 2D00-1269
L.T. No. : 90-2908 GD 3

Robert Schindler
And Mary Schindler,

v. Michael Schiavo,
Re: Theresa Marie Schiavo

Appellant / Petitioner(s).

Appellee / Respondent(s).

BY ORDER OF THE COURT:

This court issued an order denying rehearing in February 2001. The Appellants did not timely seek to stay the issuance of our mandate. Accordingly, mandate issued on March 20, 2001.

Thereafter, this court received an emergency motion to withdraw mandate and continue the stay of the trial court's final judgment. Because the Appellants were seeking discretionary review in the Supreme Court, in the interests of justice this court granted that motion. In granting the motion, this court scheduled the extended stay to expire on April 20, 2001. This court selected that date with the expectation that the Supreme Court could make its jurisdictional determination by April 20. In the event that the Supreme Court granted review, the stay could be extended either by this court or by the Supreme Court.

This court has now received a second motion for stay from the Appellants. In paragraph 1, it represents that the Appellants have filed "an appeal with the Second District Court of Appeals" sometime after March 24, 2001. Although this court received the emergency motion to recall mandate and is aware that the Appellants have filed a notice to invoke the Supreme Court's discretionary jurisdiction, it is unaware of any additional "notice of appeal."

For purposes of clarification, when this court's mandate issues, a trial court is immediately vested with jurisdiction to enforce the final judgment in that case pursuant to law. Although this court can delay the issuance of mandate, it has no power to alter the legal effect of mandate.

This court will not extend the stay of its mandate beyond April 20, 2001. Mandate will issue on that day at 1:00 p.m. Any party seeking review of this order must file a motion for review in the Supreme Court pursuant to Florida Rule of Appellate Procedure 9.310(f).

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Gyneth Stanley, Esq.

George J. Felos, Esq.

Deborah A. Bushnell, Esq.

Pamela A.M. Campbell, Esq. Karleen Deblaker, Clerk

Joseph D. Magri, Esq

pm


James Birkhold
Clerk

