

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

TERRY VAUGHN,

Appellant,

v.

JAMES V. CROSBY, JR.,  
Secretary, Department of Corrections,

Appellee.

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NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION AND  
DISPOSITION THEREOF IF FILED.

CASE NO. 1D04-4202

Opinion filed August 5, 2005.

An appeal from an order of the Circuit Court for Leon County.  
Nikki Ann Clark, Judge.

Terry W. Vaughn, pro se, appellant.

Charlie Crist, Attorney General, and Warren James Pearson, Assistant Attorney  
General, Tallahassee, for appellee.

PER CURIAM.

Upon consideration of appellee's concession of error, the order transferring  
appellant's petition for writ of mandamus to his sentencing court is reversed, and the  
matter is remanded to the circuit court for consideration of the merits of appellant's  
petition. See Davidson v. Crosby, 883 So. 2d 866 (Fla. 1st DCA 2004); Burgess v.  
Crosby, 870 So. 2d 217 (Fla. 1st DCA 2004).

KAHN, C.J., PADOVANO and LEWIS, JJ., concur.