

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

GLENN SMITH,

Appellant,

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

v.

CASE NO. 1D04-5179

FLORIDA DEPARTMENT OF
CORRECTIONS, CAPT. L.L.
HATCHER, SGT. JEFFREY PIPPIN,
CO. CHRISTOPHER M. LISTER, CO.
JAN D. HEFFEL, and MARCELL
JOHNSON.

Appellees.

Opinion filed May 8, 2006.

An appeal from the Circuit Court for Gulf County.
Judy M. Pittman, Judge.

Glenn Smith, pro se, Appellant.

Charlie Crist, Attorney General, and Pamela Lutton-Shields, Assistant Attorney
General, Tallahassee, for Appellees.

PER CURIAM.

REVERSED. The Department of Corrections concedes that the trial court erred
in dismissing appellant's complaint for failure to exhaust his administrative remedies.

We, therefore, reverse the order of dismissal and remand for further proceedings.

ALLEN, WOLF, and WEBSTER, JJ., CONCUR.