

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

GLENN WHITE,

Petitioner,

v.

FLORIDA PAROLE COMMISSION,

Respondent.

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

CASE NO. 1D05-2369

Opinion filed September 28, 2005.

Petition for Writ of Certiorari -- Original Jurisdiction.

Paula L. Walborsky and Mary A. Kane of Walborsky & Kane, P.A., Tallahassee, for petitioner.

Kim M. Fluharty, General Counsel, and Terri Leon-Benner, Assistant General Counsel, Tallahassee, for respondent.

PER CURIAM.

We grant the petition for writ of certiorari with respect to the use of alcohol violation. The written statement relied upon by the hearing examiner in finding

petitioner guilty of his violation was hearsay. The hearing examiner considered the statement as substantive evidence in finding guilt. As such, other corroborative evidence was necessary to support a finding of violation. The record does not contain any evidence linking petitioner to the alleged violation other than this written statement. Accordingly, we grant the petition as to this violation and quash the order denying the petition for writ of habeas corpus. We remand the matter to the circuit court for reconsideration. We deny the petition for writ of certiorari as to petitioner's remaining claims.

PETITION GRANTED IN PART; DENIED IN PART; ORDER QUASHED;  
REMANDED.

ERVIN, BARFIELD and VAN NORTWICK, JJ., concur.