

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

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

WILLIAM RUSSELL HILL,

Appellant,

v.

CASE NO. 1D06-1361

JAMES R. MCDONOUGH,
SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS,

Appellee.

Opinion filed December 1, 2006.

An appeal from the Circuit Court for Leon County.
Thomas H. Bateman, III, Judge.

William Russell Hill, pro se, Appellant.

Charlie Crist, Attorney General, and Linda Horton Dodson, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

The appellant prisoner challenges both an order by which his petition for writ of mandamus was denied based upon the trial court's determination that the petition was untimely and an order by which a section 57.085 lien was placed on his inmate account in connection with the mandamus proceeding. We reverse the first order

because, as the appellee concedes, the mandamus proceeding was commenced within the time prescribed by section 95.11(8), Florida Statutes. And we reverse the second order because the underlying mandamus proceeding is a “collateral criminal proceeding” in connection with which a section 57.085 lien may not be imposed. See Jackson v. McDonough, 31 Fla. L. Weekly D2299 (Fla. 1st DCA Sept. 5, 2006).

Both orders are accordingly reversed and this case is remanded. On remand, the trial court should direct the reimbursement of any funds withdrawn from the petitioner’s account in satisfaction of the improper lien order.

ALLEN, BENTON, and HAWKES, JJ., CONCUR.