

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

FLORIDA DEPARTMENT OF
CORRECTIONS,

Petitioner,

v.

ANTHONY SMITH,

Respondent.

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

CASE NO. 1D08-6205

Opinion filed March 19, 2009.

Petition for Writ of Certiorari -- Original Jurisdiction.

Kathleen Von Hoene, General Counsel, Florida Department of Corrections, and
Scott Shevenell, Assistant General Counsel, Tallahassee, for Petitioner.

C. Dennis Roberts, Public Defender, Third Judicial Circuit, and Herbert W. Ellis,
Assistant Public Defender, Lake City, for Respondent.

PER CURIAM.

Respondent's motion for remand is granted, the November 19, 2008, order
of the circuit court is quashed, and this cause is remanded for further proceedings.

ALLEN, VAN NORTWICK, and ROBERTS, JJ., CONCUR.