

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

JOEL L. LEWIS,

Petitioner,

v.

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

CASE NO. 1D11-3901

FLORIDA PAROLE  
COMMISSION,

Respondent.

\_\_\_\_\_ /

Opinion filed January 30, 2012.

Petition for Writ of Certiorari -- Original Jurisdiction.

Joel L. Lewis, pro se, Petitioner.

Sarah J. Rumph, General Counsel, Florida Parole Commission, Tallahassee, for  
Respondent.

PER CURIAM.

The circuit court erred in denying Lewis's petition for writ of habeas corpus

prior to the filing of his reply to the Florida Parole Commission's response. See McCarthy v. Fla. Parole Comm'n, 889 So. 2d 1018 (Fla. 1st DCA 2005). Although Lewis filed a reply contemporaneously with his motion for rehearing or reconsideration and the circuit court denied that motion, it is not apparent from the record whether the circuit court considered the arguments presented in petitioner's reply. Accordingly, we are constrained to quash the order denying habeas corpus relief and remand the matter with directions to reconsider petitioner's claim in light of the matters argued in his reply.

Petition for writ of certiorari GRANTED, order QUASHED, and REMANDED with directions.

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