

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2008

COY SMITH,
Appellant,

v.

FLORIDA PAROLE COMMISSION,
Appellee.

No. 4D07-3689

[July 30, 2008]

PER CURIAM.

We affirm the circuit court's order dismissing as untimely the petition for writ of habeas corpus challenging appellant's parole revocation. See *Cooper v. Fla. Parole Comm'n*, 924 So. 2d 966 (Fla. 4th DCA), review pending, No. SC06-1236 (Fla. June 21, 2006).

We certify that today's decision, as well as *Cooper*, are in direct conflict with the decisions of the First and Second District Courts of Appeal as to whether section 95.11(5)(f), Florida Statutes, applies to a petition for writ of habeas corpus that seeks review of an order revoking parole or conditional release supervision. *Martin v. Fla. Parole Comm'n*, 951 So. 2d 84 (Fla. 1st DCA), review dismissed, 957 So. 2d 635 (Fla. 2007); *Carpenter v. Fla. Parole Comm'n*, 958 So. 2d 564 (Fla. 2d DCA 2007).

We agree with the concerns Judge Thomas raised in his concurrence in *Presley v. Florida Parole Commission*, 904 So. 2d 573, 574-75 (Fla. 1st DCA 2005), as to why a time limit for seeking review of these types of orders is direly needed.

FARMER, KLEIN and STEVENSON, JJ., concur.

* * *

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Okeechobee County; Sherwood Bauer, Jr., Judge; L.T. Case No. 2007-CA 200.

Coy Smith, Okeechobee, pro se.

Kim M. Fluharty, Tallahassee, for appellee.

Not final until disposition of timely filed motion for rehearing.