

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

DAVID SIERRA,
Petitioner,

v.

STATE OF FLORIDA,
Respondent.

No. 4D07-893

[April 11, 2007]

PER CURIAM.

The petitioner seeks a writ of prohibition to prevent the lower court from proceeding with a criminal prosecution on the charge of felony driving while license suspended. The suspension stems from several unpaid civil driving infractions. The petitioner took advantage of the procedures outlined in section 318.14(10)(a), Florida Statutes, prior to the felony case going to trial. In accordance with *Janos v. State*, 763 So. 2d 1094 (Fla. 4th DCA 1999), the lower court should have granted the petitioner's motion to dismiss the felony charges, as the state concedes. *Janos* is directly on point and thus we grant the petition and remand the case to the lower court for proceedings consistent with *Janos*. We withhold issuance of a formal writ in full confidence the lower court will comply with the mandate of this Court and the holding of *Janos*.

Petition granted.

WARNER, FARMER and GROSS, JJ., concur.

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Petition for writ of prohibition to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael L. Gates, Judge; L.T. Case No. 06-9427 CF10A.

Jeffrey S. Grossman and Marc J. Zee, Ft. Lauderdale, for petitioner.

Bill McCollum, Attorney General, Tallahassee, and Katherine Y. McIntire, Assistant Attorney General, West Palm Beach, for respondent.

Not final until disposition of timely filed motion for rehearing.