

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2010

DREW C. HARTLEY,
Appellant,

v.

WALTER A. MCNEIL,
Appellee.

No. 4D09-1299

[June 30, 2010]

FARMER, J.

On motion for rehearing, the director of the Department of Corrections (DOC) has brought our attention to *Bush v. State*, 945 So.2d 1207 (Fla. 2006). Among other things, *Bush* held that:

“the proper venue for a prisoner's challenge to a sentence-reducing credit determination by [DOC], where the prisoner has exhausted administrative remedies and is not alleging entitlement to immediate release, continues to be in circuit court in Leon County, where the Department is located.”

945 So.2d at 1213-14. It follows that our decision on the venue issue is error. We therefore grant the motion for rehearing, vacate our February 17, 2010, opinion, and affirm the decision of the trial court transferring this case to the Second Circuit, Leon County, where DOC has its headquarters.

Affirmed.

WARNER and LEVINE, JJ., concur.

* * *

Appeal of a non-final order from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Robert R. Makemson, Judge; L.T. Case No. 08-1520-CA.

Drew C. Hartley, Milton, pro se.

Bill McCollum, Attorney General, Tallahassee, and Lance Eric Neff,
Assistant Attorney General, Tallahassee, for appellee.

Final upon release; no further motions will be entertained.