

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

RAYMOND LEE MABREY,)
)
 Appellant,)
)
 v.)
)
 FLORIDA PAROLE COMMISSION,)
)
 Appellee.)

Case No. 2D12-3941

Opinion filed April 3, 2013.

Appeal from the Circuit Court for Pasco
County; Linda Babb, Judge.

Raymond Lee Mabrey, pro se.

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

VILLANTI, Judge.

Raymond Lee Mabrey appeals from an order of the circuit court
dismissing his petition for writ of habeas corpus. The Florida Parole Commission has
waived briefing and concedes that Mabrey, who resides within the territorial jurisdiction
of the Sixth Judicial Circuit, properly sought his immediate release by filing a petition for
writ of habeas corpus in that court. See *Donovan v. Fla. Parole Comm'n*, 72 So. 3d
339, 340 (Fla. 2d DCA 2011). Furthermore, the petition demonstrates on its face that

Mabrey exhausted his administrative remedies once the Commission took final action on the revocation of his conditional release. The circuit court, acting in its appellate capacity, should have reviewed the Commission's order. See Sheley v. Fla. Parole Comm'n, 703 So. 2d 1202, 1206 (Fla. 1st DCA 1997) (en banc), aff'd, 720 So. 2d 216 (Fla. 1998).

Accordingly, we reverse the order dismissing Mabrey's petition for writ of habeas corpus and remand for the circuit court to consider the petition on its merits.

CASANUEVA and DAVIS, JJ., Concur.