

STATE OF MICHIGAN
COURT OF APPEALS

JOHN ANDREW LINBLADE,

Petitioner-Appellee,

v

SECRETARY OF STATE,

Respondent-Appellant.

UNPUBLISHED

December 21, 1999

No. 208255

Washtenaw Circuit Court

LC No. 97-008494 AL

Before: Murphy, P.J., and Hood and Neff, JJ.

MEMORANDUM.

Respondent appeals by leave granted from the circuit court's order granting restoration of petitioner's driving privileges without restrictions by reversing the respondent's refusal to reinstate petitioner's driver license. We reverse.

The circuit court's review of the Secretary of State's hearing officer's decision is limited to the criteria set forth in MCL 257.323(6); MSA 9.2023(6). The circuit court did not find that any of the criteria contained in MCL 257.323(6); MSA 9.2023(6) had been satisfied. Rather, the trial court expressly stated that it was substituting its judgment for that of the hearing officer. In reversing the respondent's refusal to issue a driver's license with restrictions, the circuit court did not afford deference to the assessment of credibility by the hearing officer, *Walters v Secretary of State*, 170 Mich App 466, 469; 429 NW2d 188 (1988), but substituted its own judgment to fully reinstate petitioner's driver's license privileges based upon the circuit court's prior contacts with a probation officer, who evaluated petitioner. Accordingly, the decision of the circuit court must be reversed. MCL 257.323(6); MSA 9.2023(6).

Reversed.

/s/ William B. Murphy

/s/ Harold Hood

/s/ Janet T. Neff