

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JANUARY TERM 2003

JAMES EDWARD RIVERS,

Appellant,

v.

Case No. 5D02-3647

STATE OF FLORIDA, et al.,

Appellee.

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Opinion Filed March 14, 2003

Appeal from the Circuit Court  
for Lake County,  
G. Richard Singeltary, Judge.

James Edward Rivers, Clermont, pro se.

Bradley R. Bischoff, Assistant General Counsel,  
Florida Parole Commission, Tallahassee, for  
Appellee, Florida Parole Commission.

No appearance for Appellee, State of Florida.

PER CURIAM.

The Appellant, James Edward Rivers, appeals the denial of his Petition for Writ of Habeas Corpus. The trial court denied the petition after finding that it was successive to an earlier filed petition. The State concedes that the petition before the trial court was not successive. Accordingly, we reverse the denial of the petition and remand this matter to the trial court for a consideration of the merits.

REVERSED and REMANDED.

THOMPSON, C.J., ORFINGER and MONACO, JJ., concur.