

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

KEITH MATHIS,

Petitioner,

v.

JAMES R. McDONOUGH, Secretary,  
Florida Department of Corrections,

Respondent.

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NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED.

CASE NO. 1D06-3778

Opinion filed May 14, 2007.

Petition for Writ of Certiorari -- Original Jurisdiction.

Keith Mathis, pro se, Petitioner.

Kathleen Von Hoene, General Counsel, and Marjorie C. Holladay, Assistant General  
Counsel, Florida Department of Corrections, Tallahassee, for Respondent.

PER CURIAM.

Keith Mathis timely petitions for certiorari review of an order of the circuit  
court denying his petition for writ of mandamus, in which he sought an award of

additional credit for time he spent in county jail following his sentencing but prior to his delivery to the custody of the Department of Corrections. The circuit court denied that claim on the merits, and Mathis does not challenge that ruling before this court. However, he asserts that the circuit court erred when, in reliance on section 57.085, Florida Statutes (2006), it imposed a lien on his inmate trust account to recoup filing fees and costs. The Department concedes and we agree that petitioner's argument in this regard is meritorious. Since this claim, if successful, would have reduced the time he will spend in prison, it constituted a "collateral criminal" proceeding as described in Schmidt v. Crusoe, 878 So. 2d 361 (Fla. 2003). Because section 57.085 was inapplicable, the imposition of a lien on petitioner's inmate trust account was not authorized by law. See Cason v. Crosby, 892 So. 2d 536 (Fla. 1st DCA 2005).

Accordingly, we quash the order imposing a lien on petitioner's inmate trust account to recoup filing fees and costs, and remand to the circuit court with instructions to direct the reimbursement of any funds collected pursuant to the improper lien.

VAN NORTWICK, LEWIS, and ROBERTS, JJ., CONCUR.