

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

MARC V. MILLER,

Petitioner,

v.

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

CASE NO. 1D06-3967

FLORIDA PAROLE COMMISSION,

Respondent.

Opinion filed February 8, 2007.

Petition for Writ of Certiorari - Original Jurisdiction.

Marc V. Miller, pro se, Petitioner.

Bill McCollum, Attorney General, Susan Schwartz and Anthony Andrews, Assistant Attorneys General, Tallahassee, for Respondent.

PER CURIAM.

Petitioner seeks review of the trial court's orders (1) denying his petition for a writ of mandamus challenging the calculation of his presumptive parole release date and (2) imposing a lien on his inmate trust account to cover court costs and fees. Because the trial court afforded petitioner due process of law and did not depart from the essential requirements of law when it denied his petition for a writ of mandamus,

we deny that portion of his petition for a writ of certiorari on the merits. However, because, as respondent correctly concedes, the action in the trial court was a collateral criminal action as that term is defined in Schmidt v. Crusoe, 878 So. 2d 361 (Fla. 2003), we grant the petition to the extent it seeks to have the order placing a lien on his inmate trust account vacated. See Brooks v. Fla. Parole Comm'n, 32 Fla. L. Weekly D3 (Fla. 1st DCA Dec. 19, 2006); Spaziano v. Fla. Parole Comm'n, 31 Fla. L. Weekly D1597 (Fla. 1st DCA June 9, 2006).

BROWNING, C.J., WEBSTER, and PADOVANO, JJ., CONCUR.