

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

PAUL GRIMES,
Appellant,

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

v.

CASE NO. 1D12-3559

LARRY ASHLEY, Sheriff, et al.,
Appellee.

Opinion filed May 22, 2013.

An appeal from the Circuit Court for Okaloosa County.
Michael A. Flowers, Judge.

Paul Grimes, pro se, Appellant.

Pamela Jo Bondi, Attorney General, Anne C. Conley, Assistant Attorney General,
Tallahassee, for Appellee.

THOMAS, J.

Appellant appeals the denial of his petition for a writ of mandamus seeking removal of a detainer. The trial court failed to address Appellant's argument that the charges that formed the basis of the detainer were barred by the expiration of

the statute of limitations. As we must consider Appellant's allegations in his petition as true, Appellant has sufficiently alleged a basis for removal of the detainer, and the trial court should have considered the same. See Jenkins v. State, 957 So. 2d 20 (Fla. 5th DCA 2007); Perkins v. State, 766 So. 2d 1173 (Fla. 5th DCA 2000).

Accordingly, we reverse the appealed order and remand with directions to the lower court to expeditiously issue an order to the Okaloosa County Sheriff's Office to show cause why mandamus should not be granted and the detainer removed.

REVERSED and REMANDED with directions.

BENTON, C.J., and CLARK, J., CONCUR.