

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

WILLIAM L. FALES, JR.,

Petitioner,

v.

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

CASE NO. 1D13-0365

FLORIDA PAROLE
COMMISSION, et al. FLORIDA
DEPARTMENT OF
CORRECTIONS, et al.,

Respondents.

Opinion filed April 3, 2013.

An appeal from an order of the Santa Rosa County Circuit Court.
Marci L. Goodman, Judge.

William L. Fales, Jr., pro se, Petitioner.

Sarah J. Rumph, General Counsel, and Mark J. Hiers, Assistant General Counsel,
Florida Parole Commission, Tallahassee, for Respondents.

PER CURIAM.

William L. Fales petitions for certiorari review of an order of the circuit court

which denied his petition for writ of habeas corpus. We treat the respondent's motion to remand filed February 19, 2013, as a confession of error, and we grant the writ.

The circuit court departed from the essential requirements of law when it denied Fales' petition without affording him the opportunity to reply to the Florida Parole Commission's response. See Bard v. Wolson, 687 So. 2d 254 (Fla. 1st DCA 1996). Accordingly, the petition for writ of certiorari is GRANTED, the order denying Fales' petition is QUASHED, and this matter is REMANDED to the lower tribunal to afford Fales the opportunity to reply to the response, and for reconsideration of this petition on the basis of the reply.

WOLF, VAN NORTWICK, and WETHERELL, JJ., CONCUR.