

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

STATE OF FLORIDA,
DEPARTMENT OF
HIGHWAY SAFETY AND
MOTOR VEHICLES,

Petitioner,

v.

ADAM T. GUERRIERI,

Respondent.

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

CASE NO. 1D15-1835

Opinion filed March 8, 2016.

Petition for Writ of Certiorari – Original Jurisdiction.

Stephen D. Hurm, General Counsel, and Jason Helfant, Senior Assistant General Counsel, Tallahassee, for Petitioner.

L. Lee Lockett of Stone Lockett, P.A., Jacksonville, for Respondent.

PER CURIAM.

The Department of Highway Safety and Motor Vehicles petitions this Court to quash an order of the circuit court, which overturned a hearing officer's order upholding the suspension of Respondent's driver's license. We find that the circuit court applied the incorrect law when it improperly reweighed the evidence

concerning whether Respondent was in actual physical control of a motor vehicle. See State, Dep't of Highway Safety & Motor Vehicles v. Kamau, 174 So. 3d 1054, 1054 (Fla. 1st DCA 2015) (citing Dep't of Highway Safety & Motor Vehicles v. Lanning, 156 So. 3d 533, 533 (Fla. 1st DCA 2015)). We, therefore, grant the petition and quash the circuit court's order, and remand with direction that the circuit court follow the correct law.

LEWIS, SWANSON, and WINOKUR, JJ., CONCUR.