

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D20-760

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ELPIDIO MORALEZ,

Appellant,

v.

MARK S. INCH, Secretary,  
Florida Department of  
Corrections and FLORIDA  
COMMISSION ON OFFENDER  
REVIEW,

Appellees.

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On appeal from the Circuit Court for Union County.  
Denise Ferrero, Judge.

January 11, 2021

PER CURIAM.

AFFIRMED. *See* § 79.01, Fla. Stat. (2020) (providing that before a petition for writ of habeas corpus may be granted, the petitioner must “show[ ] by affidavit or evidence probable cause to believe that he or she is detained without lawful authority”); *see also Flicker v. Duff*, 290 So. 2d 129, 130 (Fla. 1st DCA 1974) (holding that a habeas petition did not “make out a prima facie case” when the petitioner provided no record or affidavits to support his allegations); *Russell v. Fla. Parole Comm’n*, 946 So. 2d 32, 32 (Fla. 1st DCA 2006) (finding no error in trial court’s order denying a

petition for writ of habeas corpus challenging revocation of parole when the petition “failed to set out a prima facie basis for relief”).

ROWE, M.K. THOMAS, and NORDBY, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Elpidio Moralez, pro se, Appellant.

Beverly Brewster, Assistant General Counsel, Department of Corrections, Tallahassee; and Mark Hiers, Assistant General Counsel, Florida Commission on Offender Review, Tallahassee, for Appellees.