

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MONICA DAVID, Chairman, Florida Parole Commission,)
Appellant,)
v.)
RALPH FLINT, JR., a/k/a BILLY J. JOHNSON,)
DC# 021360,)
Appellee.)
_____)

Case No. 2D04-1750

Opinion filed May 18, 2005.

Appeal from the Circuit Court for DeSoto
County; James S. Parker, Judge.

Bradley R. Bischoff, Assistant General Counsel,
Florida Parole Commission, Tallahassee, for
Appellant.

Robert R. Jacobs II, Public Defender, and
Richard R. Donnelly, Assistant Public Defender,
Cape Coral, for Appellee.

DAVIS, Judge.

Monica David, as Chairman of the Florida Parole Commission,
challenges the trial court order granting Ralph Flint, Jr.'s request for a writ of prohibition.

Although this was initially filed as a petition for a writ of certiorari, this court converted it to a direct appeal.

David challenges the trial court's determination that Flint could not be on conditional release supervision while detained under the Jimmy Ryce Act.¹ Given this court's recent decision in Parole Commission v. Smith, 30 Fla. L. Weekly D883, D884 (Fla. 2d DCA Apr. 1, 2005), concluding that "an individual may be on conditional release supervision while detained under the Ryce Act," we reverse.

Reversed.

NORTHCUTT and VILLANTI, JJ., Concur.

¹ § 394.910-.931, Fla. Stat. (2004).