

Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed December 17, 2008.
Not final until disposition of timely filed motion for rehearing.

No. 3D08-1082
Lower Tribunal No. 07-42424

Robert B. Olsen,
Petitioner,

vs.

Florida Parole Commission,
Respondent.

On Petition for Writ of Certiorari to the Circuit Court for Miami-Dade County, Ellen L. Leesfield, Judge.

Robert B. Olsen, in proper person.

Sarah J. Rumph (Tallahassee), Assistant General Counsel, for respondent.

Before WELLS, SHEPHERD, and ROTHENBERG, JJ.

ROTHENBERG, J.

The Florida Parole Commission (“Parole Commission”) issued an order revoking Robert B. Olsen’s (“Olsen”) parole. Thereafter, Olsen filed a petition for

writ of habeas corpus in the circuit court, seeking review of the Parole Commission's order. The circuit court entered an order denying Olsen's petition for writ of habeas corpus, and Olsen then appealed the circuit court's order to this Court. Because the circuit court's review of the Parole Commission's quasi-judicial action is the equivalent of an appeal, plenary appeal to a district court to review the merits of the circuit court's order is not authorized. See Sheley v. Fla. Parole Comm'n, 720 So. 2d 216, 217 (Fla. 1998) (holding that after an inmate has been afforded judicial review of the Parole Commission's actions, a second opportunity for judicial review on the merits by plenary appeal from a circuit court's order would improperly provide the inmate with a "second full bite at the apple in the district court"). We, therefore, treat Olsen's notice of appeal as a petition for writ of certiorari.

This Court's certiorari review is limited to a determination of whether Olsen was afforded due process of law and whether the circuit court departed from the essential requirements of law in denying Olsen's habeas corpus petition. Tarver v. Fla. Parole Comm'n, 990 So. 2d 577, 578 (Fla. 3d DCA 2008). Because this Court concludes that Olsen was afforded due process of law and there was no departure from the essential requirements of law, we deny the petition for writ of certiorari.

Petition denied.