

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION AND,
IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, 2001

MICHAEL W. MOORE, Secretary **
for the Florida Department **
of Corrections,

Petitioner, **

vs.

** CASE NO. 3D01-2293

ANTHONY BURNS, **
Respondent. **

LOWER
TRIBUNAL NO. F01-2527

Opinion filed October 17, 2001.

A Writ of Certiorari to the Circuit Court for Dade County,
Kevin Emas, Judge.

Susan Schwartz (Tallahassee), for petitioner.

Bennett H. Brummer, Public Defender, and Jan C. Smith,
Assistant Public Defender, for respondent.

Before LEVY, GERSTEN, and GODERICH, JJ.

PER CURIAM.

Petitioner, Michael W. Moore, Secretary, State of Florida
Department of Corrections (DOC), seeks certiorari review of a trial
court order which prohibits the DOC from cutting respondent Anthony

Burns' hair due to religious reasons. Because the trial court is without jurisdiction and lacks the authority to regulate the treatment of prison inmates, we grant the DOC's Petition for Writ of Certiorari and quash the trial court's order.

Time after time after time, this Court has made it clear that trial judges lack the authority to regulate the treatment of prison inmates; particularly as it relates to inmates' hair length. See Moore v. Mills, 789 So. 2d 1159 (Fla. 3d DCA 2001); Moore v. Lowery, 758 So. 2d 737 (Fla. 3d DCA 2000); Moore v. Habibullah, 739 So. 2d 1281 (Fla. 3d DCA 1999); Singletary v. Duggins, 724 So. 2d 1234 (Fla. 3d DCA 1999).

In Moore v. Mills, this Court unequivocally stated that "[t]he cutting of hair and beards are clearly conditions which the DOC set for inmate confinements, and to interfere with those conditions exceeds judicial authority." Moore v. Mills, 789 So. 2d at 1160. Trial courts lack the authority to regulate the treatment and placement of a sentenced defendant in the prison system. See Singletary v. Acosta, 659 So. 2d 449, 450 (Fla. 3d DCA 1995). Accordingly, we grant the Petition for Writ of Certiorari and quash the order.

Petition granted; order quashed.