

Supreme Court of Florida

CORRECTED OPINION

Nos. 66,427 & 66,503

PAROLE AND PROBATION COMMISSION,
Petitioner,

vs.

BRUCE FULLER, Respondent.

KENNETH W. SIMMONS, etc., et al.,
Petitioners,

vs.

LARRY LEE SHANNON, Respondent.

[JULY 17, 1986]

OVERTON, J.

These consolidated cases are before us on petitions to review Fuller v. Wainwright, 458 So. 2d 1131 (Fla. 4th DCA 1984), and Shannon v. Mitchell, 460 So. 2d 910 (Fla. 4th DCA 1984), in which the Fourth District Court of Appeal determined it was appropriate for the prisoners Fuller and Shannon to challenge computation of their presumptive parole release dates by writs of habeas corpus. The district court certified, as being of great public importance, substantively identical questions, which we restate as follows:

Where a prisoner claims that improper calculation of his presumptive parole release date entitles him to immediate release, is his remedy properly pursued through petition for writ of mandamus or habeas corpus?

We have jurisdiction. Art. V, § 3(b)(4), Fla. Const. We recently answered this question in Griffith v. Florida Parole and Probation Commission, No. 66,742 (Fla. Mar. 27, 1986), explaining that in view of legislative action eliminating review under the Administrative Procedures Act, judicial review of a presumptive parole release date is available now only through the writ of mandamus.

During the course of this appeal, Shannon and Fuller have been released from prison on parole and, consequently, there is no need for further consideration by mandamus. Accordingly, the decisions of the district court of appeal are quashed with directions to deny the petitions for writ of habeas corpus.

It is so ordered.

MCDONALD, C.J., and ADKINS, BOYD, EHRLICH and SHAW, JJ., Concur

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

TWO CONSOLIDATED CASES:

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

Fourth District - Case No. 83-2409

and Application for Review of the Decision of the District Court of
Appeal - Certified Direct Conflict of Decisions

Fourth District - Case No. 83-2257

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