

FIRST DISTRICT COURT OF APPEAL OF FLORIDA

Florida Commission on Offender Review v. Clarke

No. 1D2024-1093 · No. No. 1D2024-1093 · Decided February 11, 2026

SUMMARY

The First District Court of Appeal of Florida reversed a trial court order granting Melanie Clarke's petition for mandamus relief and directing the Florida Commission on Offender Review to reconsider its decision not to parole her. The court held that Clarke had not demonstrated an abuse of discretion or that the Commission relied on illegal grounds or improper considerations.

CASE DETAILS

COURT	First District Court of Appeal of Florida
WRITING FOR THE COURT	Lewis, J.; Roberts, J.; Nordby, J.
JURISDICTION	Florida First District Court of Appeal
DECIDED	February 11, 2026
DOCKET	No. 1D2024-1093
DISPOSITION	reversed
PROCEDURAL POSTURE	The Florida Commission on Offender Review appealed an order of the Leon County Circuit Court granting Melanie Clarke's petition for mandamus relief and directing the Commission to reconsider its decision not to parole her.
STANDARD OF REVIEW	A court may set aside the Commission's parole decision only upon a demonstrated abuse of discretion.
PRECEDENTIAL VALUE	precedential
PARTIES	Florida Commission on Offender Review v. Melanie Clarke

TOPICS

- judicial review of agency action
- administrative law
- appellate procedure
- remedies
- post-conviction relief

PRACTICE AREAS

- administrative law
- appellate procedure
- parole
- mandamus

QUESTIONS PRESENTED

1. Whether the circuit court erred by finding that the Florida Commission on Offender Review abused its discretion in deciding not to parole Clarke.
2. Whether the circuit court properly directed the Commission to reconsider its parole decision.

HOLDINGS

1. The circuit court erred in finding that the Commission abused its discretion; a court may set aside the Commission's parole decision only upon a demonstrated abuse of discretion.
2. A trial court may not direct the Commission to reconsider its parole decision absent a showing that the Commission deviated from applicable legal requirements or relied on illegal grounds or improper considerations.

KEY QUOTATIONS

“Because we agree with the Commission that the trial court erroneously found that it abused its discretion, we reverse the trial court’s order.” (slip op. at 1)

FACTUAL BACKGROUND

The Florida Commission on Offender Review decided not to parole Melanie Clarke. Clarke petitioned the Leon County Circuit Court for mandamus relief, and the trial court ordered the Commission to reconsider its decision. The First District held that the trial court erroneously found an abuse of discretion.

PROCEDURAL HISTORY

The circuit court found that the Commission abused its discretion in declining to parole Clarke and ordered the Commission to reconsider its decision. The First District Court of Appeal reversed, concluding that the trial court erroneously found an abuse of discretion.

DISPOSITION

reversed

CASES CITED

- Thomas v. Fla. Parole Comm'n, 107 So. 3d 517, 518 (Fla. 1st DCA 2013)
- Fla. Parole Comm'n v. Huckelbury, 903 So. 2d 977, 978 (Fla. 1st DCA 2005)

OPINION

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL STATE OF FLORIDA

No. 1D2024-1093 _____
FLORIDA COMMISSION ON OFFENDER REVIEW, Appellant, v. MELANIE CLARKE,
Appellee. _____ On appeal from the Circuit Court for Leon County.

J. Lee Marsh, Judge. February 11, 2026 PER CURIAM. Appellant, the Florida Commission on Offender Review (“Commission”), appeals the trial court’s order granting the petition for mandamus relief filed by Appellee, Melanie Clarke, and directing the Commission to reconsider its decision not to parole her.

Because we agree with the Commission that the trial court erroneously found that it abused its discretion, we reverse the trial court’s order. See *Thomas v. Fla. Parole Comm’n*, 107 So. 3d 517, 518 (Fla. 1st DCA 2013) (explaining that the Commission’s decision to suspend an inmate’s presumptive parole release date and deferring the setting of an effective parole release date can be set aside by a court only for a demonstrated abuse in the Commission’s discretion); *Fla. Parole Comm’n v. Huckelbury*, 903 So.

2d 977, 978 (Fla. 1st DCA 2005) (holding that the trial court erred in directing the Parole Commission to reconsider its decision where the appellee did not show that the Commission deviated from the legal requirements imposed upon it and the record did not establish that the Commission based its decision on illegal grounds or improper considerations). REVERSED.

LEWIS, ROBERTS, and NORDBY, JJ., concur. _____ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. _____ Rana Wallace, General Counsel, and Mark Hiers, Deputy General Counsel, Florida Commission on Offender Review, Tallahassee, for Appellant. John D. Middleton of Middleton & Middleton, P.A., Melrose, for Appellee.