

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

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OPINION

Florida Commission on Offender Review v. Clarke

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. 2