

# FIRST DISTRICT COURT OF APPEAL OF FLORIDA

## Florida Department of Corrections v. Paulcin

No. 1D2024-0135 · No. No. 1D2024-0135 · Decided March 12, 2025

### SUMMARY

The First District Court of Appeal of Florida reversed a circuit court order granting Prophet Paulcin’s petition for writ of mandamus concerning an alleged due process violation in a prison disciplinary proceeding. The court held that the circuit court failed to consider whether Paulcin was prejudiced by the alleged violation and remanded for further proceedings.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | First District Court of Appeal of Florida                                                                                                                                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Chief Judge Osterhaus; Judge Lewis; Judge Roberts                                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | First District Court of Appeal of Florida                                                                                                                                                                                                                                                                                                                             |
| DECIDED               | March 12, 2025                                                                                                                                                                                                                                                                                                                                                        |
| DOCKET                | No. 1D2024-0135                                                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | The Florida Department of Corrections appealed a circuit court order granting an inmate's petition for writ of mandamus concerning an alleged due process violation in a prison disciplinary proceeding.                                                                                                                                                              |
| STANDARD OF REVIEW    | When a prisoner seeks mandamus in circuit court as an appellate remedy to review quasi-judicial prison disciplinary action, the circuit court reviews the agency action like a plenary appeal on the merits. The reviewing court must assess whether an asserted procedural due process error was harmless or prejudicial before overturning the disciplinary result. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                                                             |
| PARTIES               | Florida Department of Corrections v. Prophet Paulcin                                                                                                                                                                                                                                                                                                                  |

### TOPICS

- appellate procedure
- harmless error
- writ of certiorari
- agency adjudication
- procedural due process

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the circuit court erred by granting mandamus based on an alleged due process violation in a prison disciplinary proceeding without determining whether the error prejudiced the inmate.
2. Whether the circuit court's review of the prison disciplinary action required an appellate harmless-error or prejudice analysis.

## HOLDINGS

1. A circuit court may not overturn a prison disciplinary proceeding on the basis of an alleged procedural due process violation without determining whether the error was harmless or prejudicial.

## KEY QUOTATIONS

*“Because the trial court failed to consider whether Appellee was prejudiced by what it found to be a due process violation, we reverse the court’s mandamus order and remand for further proceedings.”* (at 1)

*“when a prisoner files a petition for writ of mandamus in the circuit court as an appellate remedy to review quasi-judicial action of a lower tribunal, namely administrative prison disciplinary action, the circuit court reviews the agency action ‘like a plenary appeal on the merits.’”* (at 1)

*“In the absence of a recent pattern of violations, . . . it is entirely inappropriate to overturn the outcome of a prison disciplinary proceeding because of a procedural error without making the normal appellate assessment as to whether the error was harmless or prejudicial.”* (at 1)

## FACTUAL BACKGROUND

Paulcin was found guilty of making spoken threats to a Department employee during a prison disciplinary proceeding. He claimed that the Department violated due process by not providing him with video surveillance of the incident. The Department submitted evidence that the cameras in the relevant area lacked audio capability when the incident occurred, but the circuit court granted mandamus without determining whether Paulcin was prejudiced by the asserted failure to provide or consider the video.

## PROCEDURAL HISTORY

Paulcin, an inmate, petitioned the Circuit Court for Leon County for a writ of mandamus, asserting that the Department violated his due process rights under *Wolff v. McDonnell* by failing to provide video surveillance of an incident underlying a disciplinary charge. The circuit court granted the mandamus petition and denied the Department's motion for rehearing without addressing whether Paulcin was prejudiced by the alleged violation. The First District Court of Appeal reversed and remanded for further proceedings.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The circuit court must conduct further proceedings addressing whether Paulcin was prejudiced by the alleged due process violation, including the significance of the evidence that the cameras in the relevant area lacked audio capability.

## CASES CITED

- Wolff v. McDonnell, 418 U.S. 539 (1974)
- Gardener v. Fla. Dep't of Corr., 178 So. 3d 92, 94 (Fla. 1st DCA 2015)
- Gill v. Crosby, 884 So. 2d 442, 442 (Fla. 1st DCA 2004)
- Lennear v. Wilson, 937 F.3d 257, 278 (4th Cir. 2019)
- Howard v. U.S. Bureau of Prisons, 487 F.3d 808, 813-15 (10th Cir. 2007)
- Piggie v. Cotton, 344 F.3d 674, 679 (7th Cir. 2003)
- Powell v. Coughlin, 953 F.2d 744, 750 (2d Cir. 1991)

## OPINION

Florida Department of Corrections v. Paulcin

PER CURIAM.

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

\_\_\_\_\_ No. 1D2024-0135 \_\_\_\_\_

FLORIDA DEPARTMENT OF

CORRECTIONS,

Appellant, v.

PROPHET PAULCIN,

Appellee. \_\_\_\_\_ On appeal from the Circuit Court for Leon County.

John C. Cooper, Judge. March 12, 2025 PER CURIAM. The Florida Department of Corrections (“Department”) appeals from the trial court’s order granting a petition for writ of mandamus filed by Appellee, Prophet Paulcin, an inmate who claimed to have suffered a due process violation during a prison disciplinary proceeding in violation of Wolff v. McDonnell, 418 U.S. 539 (1974), where the Supreme Court held that an inmate charged with a disciplinary infraction is entitled to, among other things, an opportunity to call witnesses and present documentary evidence regarding the case. Because the trial court failed to consider whether Appellee was prejudiced by what it found to be a due process violation, we reverse the court’s mandamus order and remand for further proceedings. See Gardener v. Fla. Dep’t of Corr., 178 So. 3d 92, 94 (Fla. 1st DCA 2015) (“[W]hen a prisoner files a petition for writ of mandamus in the circuit court as an appellate remedy to review quasi-judicial action of a lower tribunal, namely administrative prison disciplinary action, the circuit court reviews the agency action ‘like a plenary appeal on the merits.’” (Citation omitted)); Gill v. Crosby, 884 So. 2d 442, 442 (Fla. 1st DCA 2004) (granting the certiorari

petition, remanding with directions that the trial court grant the mandamus petition in which the inmate asserted that a due process violation occurred during his prison disciplinary proceeding, and addressing whether prejudice occurred as a result of the defects in the disciplinary report); see also *Lennear v. Wilson*, 937 F.3d 257, 278 (4th Cir. 2019) (employing a harmless error analysis to prison officials' alleged failure to disclose or consider any video surveillance in a prison disciplinary proceeding in violation of *Wolff*); *Howard v. U.S. Bureau of Prisons*, 487 F.3d 808, 813–15 (10th Cir. 2007) (same); *Piggie v. Cotton*, 344 F.3d 674, 679 (7th Cir. 2003) (same); *Powell v. Coughlin*, 953 F.2d 744, 750 (2d Cir. 1991) (“In the absence of a recent pattern of violations, . . . it is entirely inappropriate to overturn the outcome of a prison disciplinary proceeding because of a procedural error without making the normal appellate assessment as to whether the error was harmless or prejudicial. If a person may be convicted and obliged to serve a substantial prison sentence notwithstanding a constitutional error determined to be harmless . . ., surely the conditions of confinement of a sentenced prisoner may be made temporarily more severe as discipline for a prison rules infraction despite a harmless error in adjudicating the violation.”). \* \* Notably, the trial court cited to *Powell* in its mandamus order. Yet, the court denied the Department’s motion for rehearing in which the Department correctly pointed out that the court did not address whether Appellee, who was found guilty of “spoken threats” to a Department employee, was prejudiced by not being provided with video surveillance of the incident at issue when, according to the evidence submitted by the Department, the cameras located in that area did not have audio capability when the incident occurred. 2 REVERSED and REMANDED for further proceedings. OSTERHAUS, C.J., and LEWIS and ROBERTS, JJ., concur. \_\_\_\_\_ Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331. \_\_\_\_\_ Dan Johnson, General Counsel, and Charles T. Martin Jr., Assistant General Counsel, Tallahassee, for Appellant. Prophet Paulcin, pro se, Appellee. 3