

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

CRAIG F. WOHRLE,

Petitioner,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED.

CASE NO.: 1D06-4164

JAMES R. MCDONOUGH,
Secretary, Florida Department
of Corrections,

Respondent.

_____ /

Opinion filed July 18, 2007.

Certiorari - Original Jurisdiction.

Craig F. Woehrle, pro se, Petitioner.

Kathleen Von Hoene, General Counsel, Department of Corrections; Bill
McCollum, Attorney General, Joe Belitzky and Warren James Pearson, Assistant
Attorneys General, Tallahassee, for Respondent.

PER CURIAM.

Craig F. Woehrle, an inmate, has petitioned for a writ of certiorari in order to
review an order which imposes a lien on his prison inmate trust account. This lien

was imposed for satisfaction of court costs incurred when Woehrle filed a petition for a writ of mandamus. By this mandamus petition, Woehrle challenged a disciplinary proceeding which resulted in the loss of gain-time. As the state correctly concedes, because Woehrle was challenging the loss of gain-time, the circuit court proceeding was a collateral criminal proceeding for which an indigency determination is to be made in accordance with section 57.081, Florida Statutes. Schmidt v. Crusoe, 878 So. 2d 361, 367 (Fla. 2003). Section 57.081 does not authorize imposition of a lien. Cason v. Crosby, 892 So. 2d 536 (Fla. 1st DCA 2005). Accordingly, the petition for a writ of certiorari is granted. The order imposing a lien is reversed, the lien is vacated, and the cause remanded for entry of an order directing the reimbursement of any funds which may have already been withdrawn pursuant to the lien.

REVERSED and REMANDED.

WEBSTER, DAVIS, and VAN NORTWICK, JJ., CONCUR.