

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN  
AND FOR SUMTER COUNTY, FLORIDA**

**TAVARIS LOCKHART,**

Petitioner,

vs.

**CASE NO.: 2021-CA-134**

**FLORIDA DEPARTMENT OF  
CORRECTIONS,**

Respondent.

\_\_\_\_\_ /

**ORDER ON PETITIONER'S PETITION FOR WRIT OF MANDAMUS**

**THIS COURT** having considered Petitioner's Petition for Writ of Mandamus, filed on March 8, 2021, makes the following findings:

A. In the Petition for Writ of Mandamus, Petitioner asserts the DOC violated his due process rights when he received a disciplinary report (DR) that did not include the location where the incident occurred. Petitioner attached the Charging DR; DR after Hearing, Petitioner's Grievance for Administrative Appeal; and the denial of Petitioner's Administrative Appeal.

B. One seeking a writ of mandamus must show that he has a clear legal right to the performance of a clear legal duty by a public officer, and that he has no other available legal remedies. Mandamus may be used only to enforce a clear and certain right; it may not be used to establish such a right, but only to enforce a right already clearly and certainly established in the law. Mandamus may be granted only if there is a clear legal obligation to perform a duty in a prescribed manner. The writ may be used to compel the performance of a ministerial duty imposed by law where it has not been performed as the law requires. Plymel v. Moore, 770 So.2d 242 (Fla. 1st DCA 2000) (internal citations omitted).

C. It is well-settled that an inmate charged with a disciplinary infraction is entitled to: 1) advance written notice of the charges; 2) an opportunity to call witnesses and present documentary evidence, when it can be done safely; and 3) a written statement of the evidence upon which the disciplinary team relied and the reasons for its disciplinary action. Frantz v. Moore, 778 So.2d 1003, 1004 (Fla. 1st DCA 2000).

D. In this case, as evidenced by the DR, Petitioner was informed of the location of the incident, an advance written notice of the charges, including an opportunity to call witnesses and present documentary evidence, and a written statement of the evidence upon which the disciplinary team relied and the reasons for the disciplinary action. Although Petitioner claims the DR did not include the location of the offense, the DR does specifically state the offense occurred at his bunk in the M dorm at Complex 4 Housing.

Based on the foregoing, it is hereby

**ORDERED AND ADJUDGED** that the Petitioner's Petition for Writ of Mandamus is hereby DENIED.

**DONE AND ORDERED** in Chambers, at Bushnell, Sumter County, Florida, on this 19<sup>th</sup> day of March 2021.

  
\_\_\_\_\_  
**Mary P. Hatcher**  
Circuit Judge

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true copy of the foregoing has been furnished to the following U. S. Mail on this 24<sup>th</sup> day of March 2021.

A handwritten signature in black ink that reads "SShaw". The signature is written in a cursive style with a horizontal line underneath it.

**Susan Shaw**  
Judicial Assistant

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