

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2011

JASON MATTHEW WINKEL,

Petitioner,

v.

Case No. 5D11-1876

DEPARTMENT OF HIGHWAY
SAFETY AND MOTOR VEHICLES,

Respondent.

_____ /

Opinion filed November 18, 2011

Petition for Certiorari Review of Decision
from the Circuit Court for Brevard County
Acting in its Appellate Capacity.

William M. Winkel, West Palm Beach,
in proper person.

Stephen D. Hurm, General, Counsel, and
Richard M. Coln, Assistant General,
Counsel, Orlando, for Respondent.

PER CURIAM.

Petitioner seeks certiorari review of an order of the circuit court, sitting in its appellate capacity, that dismissed his appeal of the suspension of his driver's license for refusing to submit to a breath test. The circuit court dismissed Petitioner's appeal due to his untimely attempt to comply with a court order to show cause. Because Petitioner's omission did not justify dismissal, the circuit court departed from the essential requirements of the law. Krebs v. State, 588 So. 2d 38 (Fla. 5th DCA 1991).

Accordingly, we quash the order dismissing the appeal.

PETITION GRANTED.

TORPY, EVANDER and COHEN, JJ., concur.