

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO. 2022-CA-002205-O

VINODH RAGHUBIR,
Petitioner,

v.

STATE OF FLORIDA,
DEPARTMENT OF HIGHWAY SAFETY
AND MOTOR VEHICLES, et al.
Respondent.

Amended Petition for Writ of Certiorari from the
State of Florida, Department of Highway Safety
and Motor Vehicles.

Vinodh Raghbir, pro se, Petitioner.

Linsey Sims-Bohnenstiehl, Assistant General Counsel, Tampa,
for Respondent.

Before CHIU, D. BEAMER, and LATIMORE, JJ.

Petitioner Vinodh Raghbir filed this case seeking certiorari review of a
State of Florida, Department of Highway Safety and Motor Vehicles (“the
Department”), order related to the suspension of his driver’s license for failure to
pay court financial obligations arising out of two felony cases. This Court has
jurisdiction pursuant to Florida Rule of Appellate Procedure 9.030(c) and section
322.31 of the Florida Statutes. We deny the petition.

Petitioner timely filed this action after issuance of a DHSMV “Notice of Order of Suspension and Final Order” advising Petitioner that his driver’s license would be suspended indefinitely under section 322.245, Florida Statutes.

Petitioner then requested and received a hearing before a hearing officer of the Department on the issue, and that hearing resulted in an order determining that there was competent, substantial evidence to find that the Petitioner’s driving privilege was properly suspended.¹

Petitioner contends that the hearing officer’s order affirming his license suspension violated due process, arguing that he presented indisputable evidence during the hearing as a basis to show why the suspension was incorrect. However, Petitioner’s arguments that an incorrect basis was utilized for his license suspension focus on the orders of probation issued in his Criminal Division cases within this Court, case numbers 2016-CF-1833-A-O and 2016-CF-5231-A-O. Petitioner contends that the orders failed to comply with procedural due process

¹ While Petitioner did not amend his petition after the issuance of the Department’s order upon hearing, he addressed that order in his reply. We have considered that order as part of these proceedings. Similarly, the Department filed their response and appendix in this matter without receiving an order from this Court directing such filings, doing so in an abundance of caution after being served by Petitioner with a copy of the petition and a summons directing an answer in the case. Petitioner has filed multiple documents in this certiorari case that are inappropriate for such appellate proceedings, including a request for admissions, which the Department has moved to strike.

requirements and are “void not voidable” so that they cannot be used as a basis to impose the costs resulting in his license suspension. Those probation orders have been reviewed on direct appeal as well as through postconviction filings within those Criminal Division cases, some of which were also appealed, and this panel will not review them further.

Under section 322.245(5)(a), Florida Statutes, the Department does not have discretion in suspending Petitioner’s driver’s license after his failure to pay court costs. When a defendant fails to meet financial obligations arising from a criminal case, the Department must suspend the defendant's license upon receipt of notice from the clerk of court. *See Evans v. Rhodes*, 735 Fed. Appx. 986 (11th Cir. 2018); *Anderson v. State*, 48 So. 3d 1015, 1016 (Fla. 5th DCA 2010); *Turem v. State of Florida, Dep’t Highway Safety & Motor Vehicles*, Case no. 2021-CA-1987 (Fla. 2d Cir. Ct. Apr. 7, 2022). The Department’s obligation to reinstate a driving privilege is delineated in § 322.245(5)(b), Florida Statute. *See also* § 322.29(2), Florida Statutes. Petitioner’s remedy related to the suspension of his driver’s license is not via certiorari proceedings based on the probation orders in his Criminal Division cases.

Accordingly, it is **ORDERED AND ADJUDGED:**

1. We adopt Respondent’s Response to Petition for Writ of Certiorari and associated Appendix, both filed on May 25, 2022, as authorized filings, and

they have been considered as though they were filed in response to an order of this Court under Florida Rule of Appellate Procedure 9.100(h).

2. The Petition for Writ of Certiorari is **DENIED**.
3. Respondent's Motion to Strike Petitioner's "Notice of Filing and Request for Admissions" is **GRANTED**. Further, the other documents filed by Petitioner in this case and not applicable to certiorari proceedings under Florida Rule of Appellate Procedure 9.100, including service of process documents, a second amended memorandum of law in support of the Petition, an amended motion for summary judgment, and notices of filing documents related to the Petitioner's other civil cases filed in this Court are also hereby **STRICKEN** or **DENIED** as moot or inappropriate.

DONE AND ORDERED in Chambers, at Orlando, Orange County,

Florida, on this 13th day of February, 2024.

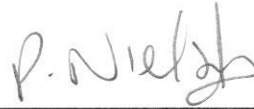


VINCENT CHIU
Presiding Circuit Judge

D. BEAMER and LATIMORE, JJ., concur

CERTIFICATE OF SERVICE

I CERTIFY that the foregoing was filed with the Clerk of the Court this 14 day of February, 2024, by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List via transmission of Notices of Electronic Filing generated by the ePortal System, including to **VINODH RAGHUBIR** at vinodhraghubir@gmail.com and **LINSEY SIMS-BOHNENSTIEHL, ESQ.**, at linseysims-bohnenstiehl@flhsmv.gov.



Judicial Assistant