

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

CASE NO. 2020-CA-011261-O

EDWARD R. ROBINSON,

Petitioner,

v.

STATE OF FLORIDA, DEPARTMENT OF
HIGHWAY SAFETY AND MOTOR VEHICLES,
DIVISION OF DRIVER LICENSES,

Respondent.

Petition for Writ of Certiorari from the
Department of Highway Safety and
Motor Vehicles, Division of Driver Licenses,
Dawn Jarvis, Hearing Officer.

Matthew P. Ferry, Esq., for Petitioner.

Michael Lynch, Esq., for Respondent.

Before BLECHMAN, WILSON, and HIGBEE, JJ.

PER CURIAM.

Petitioner seeks certiorari review of a final order of a hearing officer of the Department of Highway Safety & Motor Vehicles that affirmed the order of suspension of the petitioner's driver's license for refusing to submit to a breath test under section 322.2615, Florida Statutes. We deny the petition. We write only to address the petitioner's argument that the arresting Florida Highway Patrol officer informed him that he was not allowed a blood test and that the officer should have clarified this misstatement of the law.

While there is testimony in the record that the petitioner was not allowed to get a blood test, there was no specific testimony about exactly what the petitioner was told related to his

right to get the blood test. While the petitioner's counsel may be arguing based on what his client has told him, the record before the hearing officer does not confirm the alleged misstatement.

Petition DENIED.

DONE and ORDERED in Chambers, at Orlando, Orange County, Florida, on this 22nd day of March, 2023.



eSigned by Mark Blechman 03/22/2023 15:22:13 2zX+xcEp

MARK S. BLECHMAN
Presiding Circuit Judge

WILSON and HIGBEE, JJ., concur.

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing Order was furnished on this 22nd day of March, 2023, to the following: Matthew P. Ferry, Esq., 1150 Louisiana Ave., Ste 2, Winter Park, FL 32789; Michael Lynch, Assistant General Counsel, Department of Highway Safety and Motor Vehicles, 4101 Clarcona Ocoee Road, Orlando, Florida 32810.

T. Marino
Judicial Assistant