

IN THE CIRCUIT COURT FOR THE  
NINETEENTH JUDICIAL CIRCUIT IN AND  
FOR ST LUCIE COUNTY, FLORIDA.  
**APPELLATE DIVISION**

Circuit Case No. 18-AP-5  
Petition for Writ of Certiorari

INDIAN RIVER COUNTY  
SHERIFF'S OFFICE, AND DERYL  
LOAR, IN HIS OFFICIAL AS SHERIFF  
OF INDIAN RIVER COUNTY,

Petitioner,  
v.

Not final until time expires for filing motion  
for rehearing, and if filed, disposed of.

STATE OF FLORIDA, DEPARTMENT  
OF HIGHWAY SAFETY AND MOTOR  
VEHICLES AND ANDREA LARROUDE,

Respondents.

\_\_\_\_\_/   
Decision filed April 26, 2018.

Petition for Writ of Certiorari to the Department of Highway Safety and Motor Vehicles.

James Harpring, Vero Beach, for petitioner.

Brandi Thompson, Assistant General Counsel, Tallahassee, and Brian Mallonee, Fort Pierce, for respondents.

ROBY, J.

The Department's position is not well taken, as it admits that it mistakenly deleted the Petitioner's email with the DUI packet attached, yet did not concede to a new hearing. The Department's cavalier attitude towards deleted evidence is disconcerting to this court. The Department failed to observe the essential requirements of law, and its decision to invalidate Ms. Larroude's driver's license suspension is not supported by competent substantial evidence. *See State of Florida, Department of Highway Safety and Motor Vehicles v. Sarmiento*, 989 So. 2d 692, 693 (Fla. 4th DCA 2008) (quoting *Haines City Community Development v. Heggs*, 658 So.2d 523, 530 (Fla. 1995)).

Therefore, the petition for writ of certiorari is granted, and the Department's decision to invalidate Ms. Larroude's suspension is quashed. We remand to the Department for a new hearing with the consideration of the Petitioner's DUI packet.

BUCHANAN, J., and STEELE, Acting Circuit Judge, concur.

Copies of above decision were furnished to the attorneys/parties of record on the same date the decision was filed.