

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

CONSTANTINE BLINKOV,
Petitioner,

CASE NO.: 2009-CA-75
WRIT NO.: 09-01

vs.

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

ORDER GRANTING MOTION FOR REHEARING IN PART

THIS MATTER came before the Court for consideration of Petitioner’s “Motion for Rehearing and Rehearing En Banc,” filed on April 7, 2010, and Respondent’s “Response to Motion for Rehearing,” filed on April 19, 2010. This Court having reviewed the motion and response, the Final Order Denying Petition for Writ of Certiorari, entered on March 22, 2010, the court file, and being otherwise fully advised in the premises, finds as follows:

We reject, without decision, Petitioner’s first argument regarding the lack of live testimony to explain the discrepancies in the dates and times shown on the evidence exhibits. We agree with the hearing officer’s finding that the discrepancies were due to a scrivener’s error.

However, as to Petitioner’s second argument, we note a direct conflict between this Court’s Final Order Denying Petition for Writ of Certiorari, entered on April 5, 2010, and the decision of another Ninth Circuit appellate panel in the case of *Romaguera v. Department of Highway Safety and Motor Vehicles*, Case No. 2007-CA-9009-O, dated January 29, 2010. In *Romaguera*, this circuit, in its appellate capacity, held that the department’s failure to include the statutorily required crash report in the hearing record departed from the essential requirements of

