

NOT FINAL UNTIL DISPOSITION  
OF TIMELY-FILED MOTION FOR  
REHEARING OR CLARIFICATION

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR MIAMI-DADE COUNTY,  
FLORIDA

XIAO-WEN MICHELLE CHOI, CASE NO. 2024-14-AP-01  
Petitioner,

APPELLATE DIVISION

v.

CITY OF MIAMI,  
Respondent.

\_\_\_\_\_ /

**OPINION**

Opinion filed: November 8, 2024.

On a Writ of Certiorari from the Final Judgment entered by the City of Miami's City Manager on February 5, 2024.

Teri Guttman Valdes, Esq., of Terri Guttman Valdes, LLC, as counsel for Xiao-Wen Michelle Choi, Petitioner.

George K. Wysong, III, Esq., Bryan Capedvila, Esq., and Marguerite C. Snyder, Esq. as counsel for City of Miami, Respondent.

Before: TRAWICK, DE LA O, and ARECES, R., JJ.

PER CURIAM

Petitioner Xiao-Wen Michelle Choi ("Petitioner") contends the City of Miami (hereinafter, "Respondent") failed to follow this Court's June 12,

2023 Mandate in *Xiao-Wen Michelle Choi v. City of Miami*, Case No. 2022-2-AP-01, 31 Fla. L. Weekly Supp. 181a (hereinafter “Xiao-Wen I”) and, as a result, reached a decision unsupported by competent and substantial evidence, deprived Petitioner of due process and failed to follow the essential requirements of the law. We agree.

In *Xiao-Wen I*, this Court found that three of Respondent’s several findings of fact were unsupported by competent and substantial evidence. This Court, incapable of knowing whether the Civil Service Board would have reached the same conclusion without the three unsupported findings of fact, quashed the decision below.

On remand, Respondent again included among its findings the same three findings of fact that this Court previously held were unsupported by competent and substantial evidence.

Respondent is not free to ignore this Court’s Mandate.

Accordingly, the Petition for Writ of Certiorari is GRANTED and the decision below is QUASHED.<sup>1</sup>

TRAWICK, DE LA O, and ARECES, R., JJ., concur.

---

<sup>1</sup> As before, this Court does not direct the scope of the proceedings on remand.