

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

TOMMIE STEVEN HENRY,

Petitioner,

v.

Case No. 5D20-2072

STATE OF FLORIDA,

Respondent.

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Opinion filed December 28, 2020

Petition For Writ of Habeas  
Corpus, A Case of Original  
Jurisdiction.

Candace A. Hawthorne, of Hawthorne Law  
Firm, P.A., Tavares, for Petitioner.

Ashley Moody, Attorney General,  
Tallahassee, and Bonnie Jean Parrish,  
Assistant Attorney General, Daytona  
Beach, for Respondent.

PER CURIAM.

Tommie Steven Henry petitions this court for a writ of habeas corpus after the Circuit Court ordered him held without bond pending trial on one count of attempted first-degree murder with a firearm, a life felony, shooting into an occupied vehicle, and possession of a firearm by a convicted felon.<sup>1</sup> We grant the petition.

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<sup>1</sup> Orange County Circuit Court Case No. 2019-CF-6088.

Henry was denied bond at his first appearance hearing. Subsequently, Henry's counsel filed a motion requesting either that Henry be released on his own recognizance or that a reasonable bond be set. The trial court denied the motion without a hearing.

A petition for writ of habeas corpus is the appropriate vehicle for challenging an order denying pretrial release. See Greenwood v. State, 51 So. 3d 1278, 1279 (Fla. 2d DCA 2011). In this case, although Henry is charged with an offense punishable by life in prison and the State demonstrated that the proof of guilt is evident and the presumption is great at his first appearance hearing, Henry is still entitled to a full hearing at which he may come forward to present testimony of witnesses or other evidence pertaining to his guilt and his amenability to bond. See Rosa v. State, 21 So. 3d 115 (Fla. 5th DCA 2009).

Accordingly, we grant the petition for writ of habeas corpus and direct the trial court to hold a hearing at which it shall afford Henry an opportunity to present evidence with regard to bond.

PETITION GRANTED AND REMANDED WITH INSTRUCTIONS.

ORFINGER, WALLIS and LAMBERT, JJ., concur.