

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

RAUL CEPERO,
Petitioner,

v.

KENNETH MASCARA,
Sheriff of St. Lucie County, Florida,
Respondent.

No. 4D08-291

[March 5, 2008]

PER CURIAM.

It appears from the record of the hearing on pretrial release that evidence was presented as to all the factors the court is required to consider in setting or modifying bond. Moreover, the trial judge explicitly stated that he had considered “all your arguments and the facts you have produced for this hearing.” There is no requirement in either section 903.046(2), Florida Statutes (2007), or Florida Rule of Criminal Procedure 3.131(b)(3), commanding explicit findings as to each factor underlying a decision on pretrial release — even though we have said that such findings would assist review. *See Cameron v. McCampbell*, 704 So.2d 721, 723 (Fla. 4th DCA 1998).

The evidence does not show that the amount of bond is excessive, that defendant is clearly unable to meet it. The court reduced the amount from \$900,000 to \$270,000 based on the evidence at the hearing. Defendant was charged with trafficking in marijuana, cultivation of marijuana and racketeering as a result of the discovery of marijuana being grown in his house. A resident of this area for only one year, defendant testified that he has \$90,000 equity in his house and that he thought he could access that amount. He also has approximately \$4,300 in bank accounts and access to another \$10,000 available on his mother’s credit card. With these available assets, he has not shown that obtaining bond — based on a premium of 10% on a face amount of \$270,000 — is not possible.

Petition for Habeas Corpus denied.

SHAHOOD, C.J., WARNER and FARMER, JJ., concur.

* * *

Petition for writ of habeas corpus to the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Burton C. Conner, Judge; L.T. Case No. 07-5245 CFE.

Joshua D. Ferraro of The Ferrero Law Group PL, Stuart, for petitioner.

Bill McCollum, Attorney General, Tallahassee, and Laura Fisher Zibura, Assistant Attorney General, West Palm Beach, for respondent.

Not final until disposition of timely filed motion for rehearing.