

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

FRANCIS MATA,
Petitioner,

v.

AL LAMBERTI, SHERIFF, et al.,
Respondents.

No. 4D08-4260

[November 12, 2008]

PER CURIAM.

The petition for habeas corpus relief is denied. The petitioner was arrested on a capias in which the issuing judge directed that petitioner be held without bond. The judge did not authorize the setting or modification of bail by the judge presiding over first appearance. Therefore, the first appearance judge had no authority to grant bail. See Fla. R. Crim. P. 3.131(j); *State v. Norris*, 768 So. 2d 1070, 1072 (Fla. 2000) (“The express language of this rule gives the issuing capias judge the authority to limit the setting or modification of bail by the first appearance judge.”). Any application for modification of bail must be made to the judge assigned to preside over petitioner’s case, which judge also issued the no bond hold on petitioner.

WARNER, TAYLOR and MAY, JJ., concur.

* * *

Petition for writ of habeas corpus to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; John Hurley and Cynthia Imperato, Judges; L.T. Case No. 08-20386 CF10A.

Jason W. Kreiss of The Kreiss Law Firm, Fort Lauderdale, for petitioner.

Bill McCollum, Attorney General, Tallahassee, and Melanie Dale Surber, Assistant Attorney General, West Palm Beach, for respondents.

Not final until disposition of timely filed motion for rehearing.