

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2005

D.C., a juvenile,

**

Petitioner,

**

vs.

** CASE NO. 3D05-1909

THE STATE OF FLORIDA, and WALTER **
DAVIS, Regional Director,
Department of Juvenile Justice **
and Acting Superintendent, **
Miami-Dade Regional Juvenile **
Detention Center,

LOWER
TRIBUNAL NO. 05-5978

**

Respondents.

**

Opinion filed August 12, 2005.

A Case of Original Jurisdiction - Habeas Corpus.

Bennett H. Brummer, Public Defender and Billie Jan
Goldstein, Assistant Public Defender, for petitioner.

Charles J. Crist, Jr., Attorney General and Jennifer
Falcone Moore, Assistant Attorney General, for respondents.

Before GREEN, FLETCHER, and SHEPHERD, JJ.

PER CURIAM.

D.C. petitions for a writ of habeas corpus challenging the
trial court's order confining her in secure detention. Based on

the state's appropriate confession of error, we grant the petition and order D.C. released to home detention forthwith.

Based on the properly calculated Risk Assessment Instrument, D.C. only scores a total of ten points, qualifying her for non-secure, or home detention. See § 985.213(2)(a), Fla. Stat. (2004); S.W. v. Woolsey, 673 So. 2d 152 (Fla. 1st DCA 1996). The court erred in imposing secure detention.

Habeas corpus granted. Petitioner to be released forthwith.