

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

J.F.,

Petitioner,

v.

Case No. 5D18-0082
L.T. No. 2017-10015-MHDL

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed January 11, 2018

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

James S. Purdy, Public Defender, and
Wilber L. Cooke, II, Assistant Public
Defender, Daytona Beach, for Petitioner.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Caroline Johnson Levine,
Assistant Attorney General, Tampa, for
Respondent.

PER CURIAM.

J.F. petitions this court for a writ of habeas corpus, arguing that he is entitled to immediate release from involuntary inpatient placement at Stewart-Marchman-Act in Daytona Beach, Florida, because the record does not contain clear and convincing evidence that he is a danger to himself or others. The State properly concedes error and agrees that the writ of habeas corpus should be granted. Accordingly, we grant the

petition and order his immediate release. See § 394.467(1)(a), Fla. Stat. (2017); C.W. v. State, 214 So. 3d 796, 797 (Fla. 5th DCA 2017) (citing In re Lehrke, 12 So. 3d 307, 308-09 (Fla. 2d DCA 2009)). No motion for rehearing will be entertained.

PETITION GRANTED.

PALMER, BERGER and EISNAUGLE, JJ., concur.