

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

GARY LEE KENDALL,

Petitioner,

v.

Case No. 5D20-0270

STATE OF FLORIDA AND
LOUIS QUINONES, JR., AS
CHIEF OF ORANGE COUNTY
CORRECTIONS,

Respondents.

Opinion filed February 6, 2020

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

Robert Wesley, Public Defender, and
Robert Adams, Assistant Public Defender,
Orlando, for Petitioner.

Ashley Moody, Attorney General,
Tallahassee, and Richard A. Pallas, Jr.,
Assistant Attorney General, Daytona
Beach, for Respondent State of Florida.

No Appearance for Remaining
Respondent.

PER CURIAM.

We grant the petition for writ of habeas corpus because, as the State candidly concedes, “the State did not seek pretrial detention” and Kendall is not charged with a capital felony or a felony punishable by life imprisonment. *See Rodriguez v. State*, 269

So. 3d 639, 640 (Fla. 5th DCA 2019). We do so without prejudice to the State filing a motion for pretrial detention pursuant to Florida Rule of Criminal Procedure 3.132, should it choose to do so. *Rodriguez*, 269 So. 3d at 640. We therefore remand for an expedited hearing which will either address such a motion, if filed, or determine reasonable conditions of release. Fla. R. Crim. P. 3.131.

PETITION GRANTED.

EISNAUGLE, HARRIS, and TRAVER, JJ., concur.