

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

JANUARY TERM 2010

S.C., A CHILD,

Petitioner,

v.

CASE NO. 5D10-1438

STATE OF FLORIDA,

Respondent.

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Opinion filed May 7, 2010

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

Robert Wesley, Public Defender and
Katy McGinnis, Assistant Public Defender,
Orlando, for Petitioner.

Bill McCollum, Attorney General, and
Douglas T. Squire, Assistant Attorney General,
Daytona Beach, for Respondent.

PER CURIAM.

The petitioner seeks habeas corpus relief, requesting this court quash a behavioral order which is improper. We agree.

The State concurs in their response to the petition in this case, that the petitioner is not in any legal status from which the trial court could release the child or impose conditions of release, the child scoring one point on her detention risk assessment instrument and having been earlier released after arrest. See C.A.F. v. State, 976 So. 2d 629 (Fla. 5th DCA 2008).

Consequently, the behavioral order entered by the trial court is hereby quashed.

PETITION GRANTED.

ORFINGER, TORPY and LAWSON, JJ., concur.