

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

C.W., a child, and JAMES PURDY,
Public Defender, Seventh Judicial
Circuit,

Petitioners,

v.

MICHAEL CURRIE, Director,
Okaloosa Youth Academy, and STATE
OF FLORIDA,

Respondents.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED.

CASE NO. 1D07-2629

Opinion filed July 31, 2007.

Petition for Writ of Habeas Corpus -- Original Jurisdiction.

James S. Purdy, Public Defender, Seventh Judicial Circuit, and Joseph A. Palmer,
Assistant Public Defender, DeLand, for Petitioners.

Bill McCollum, Attorney General, and Joshua R. Heller and Bryan Jordan, Assistant
Attorneys General, Tallahassee, for Respondents.

PER CURIAM.

C.W., a child, petitions this court for a writ of habeas corpus, contending that
the Circuit Court for Volusia County lacked jurisdiction to commit him to the custody

of the Department of Juvenile Justice. However, petitioner did not timely appeal the commitment order and we therefore find that the petition is procedurally barred. Powell v. Fla. Dep't of Corr., 741 So. 2d 1201 (Fla. 1st DCA 1999). We find petitioner's reliance on Alachua Regional Juvenile Detention Center v. T.O., 684 So. 2d 814 (Fla. 1996) and Murray v. Regier, 872 So. 2d 217 (Fla. 2002) to be misplaced because neither of those petitioners was detained pursuant to a lower tribunal order reviewable by appeal. Concluding that this court lacks jurisdiction, the instant petition is hereby dismissed.

PETITION DISMISSED.

BARFIELD, ALLEN, and HAWKES, JJ., CONCUR.