

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

SELWYN SMITH,
Petitioner,

v.

KEN JENNE, Sheriff of Broward County,
Respondent.

No. 4D05-3135

[September 14, 2005]

PER CURIAM.

We grant the petition for writ of habeas corpus, wherein petitioner seeks relief from pretrial bail set in the amount of \$500,000.00, and remand for a hearing. Our review of the record reveals that petitioner was arrested following the issuance of a capias associated with his failure to surrender as anticipated. See Fla. R. Crim. P. 3.131(c). When ruling on petitioner's motion for bail after recommitment, the trial court did not consider the requisite factors as set forth in rule 3.131(b), as required by subsection (h). See also § 903.046, Fla. Stat. (2004). Accordingly, we grant the petition and remand the case for a hearing to allow for such review.

GUNTHER, WARNER and SHAHOOD, JJ., concur.

* * *

Petition for writ of habeas corpus to the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Cynthia G. Imperato, Judge; L.T. Case No. 04-14063 CF10A.

Joseph W. Gibson of Joseph W. Gibson, P.A., Miami, for petitioner.

Charles J. Crist, Jr., Attorney General, Tallahassee, and August A. Bonavita, Assistant Attorney General, West Palm Beach, for respondent.

Not final until disposition of timely filed motion for rehearing.