

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2011

C.G., a child,
Petitioner,

v.

KEN HOUSEL, in his capacity as Superintendent of the St. Lucie
Regional Juvenile Detention Center,
Respondent.

No. 4D11-2709

[July 29, 2011]

PER CURIAM.

We grant the petition for writ of habeas corpus. No sworn testimony at the detention hearings established that petitioner was an “absconder,” who had the intent to avoid the legal process. *See T.M. v. State*, 39 So. 3d 559 (Fla. 4th DCA 2010); *Z.B. v. State*, 938 So. 2d 584 (Fla. 1st DCA 2006). We remand the case to the trial court to conduct an evidentiary hearing on Monday, August 1, 2011 to determine whether petitioner is properly characterized as an “absconder” from conditional release from a moderate risk residential program.

GROSS, HAZOURI and DAMOORGIAN, JJ., concur.

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Petition for writ of habeas corpus to the Nineteenth Judicial Circuit, Indian River County; Robert A. Hawley, Judge; L.T. Case No. 312009CJ632A.

Diamond R. Litty, Public Defender, and Renee M. Rancour, Assistant Public Defender, Vero Beach, for petitioner.

Pamela Jo Bondi, Attorney General, Tallahassee, and Daniel P. Hyndman, Assistant Attorney General, West Palm Beach, for respondent.