

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

| | | |
|-------------------|---|-------------------|
| ARNOLD S. ADAMS, |) | |
| |) | |
| Appellant, |) | |
| v. |) | Case No. 2D04-253 |
| |) | |
| STATE OF FLORIDA, |) | |
| |) | |
| Appellee. |) | |
| _____ |) | |

Opinion filed December 17, 2004.

Appeal from the Circuit Court for
Hillsborough County; Ronald Ficarrotta,
Judge.

Arnold S. Adams, pro se.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Jenny Savino Sieg,
Assistant Attorney General, Tampa, for
Appellee.

PER CURIAM.

Arnold Adams filed a petition for habeas corpus, alleging that he was entitled to immediate release because he was illegally detained on an insufficient charging document and because he received ineffective assistance of counsel. The court denied the petition on the sole basis that Mr. Adams was no longer incarcerated. On appeal, Mr. Adams claims that he remains under the supervision of the Department

of Corrections, and the State concedes that, if this is true, the petition should not have been denied on the basis that the petitioner was no longer incarcerated. As the State admits, supervised release constitutes a continuation rather than a termination of the sentence. See Sellers v. Bridges, 15 So. 2d 293 (Fla. 1943).

Accordingly, we reverse and remand for the circuit court to consider the petition on its merits.

CASANUEVA and STRINGER, JJ., and DANAHY, PAUL W., SENIOR JUDGE, Concur.