

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

TERRY FREEZE, )  
 )  
Petitioner, )  
 )  
v. ) Case No. 2D03-1615  
 )  
STATE OF FLORIDA; THE FLORIDA )  
CIVIL COMMITMENT CENTER; ROBERT )  
BROIDY, DIRECTOR, FLORIDA CIVIL )  
COMMITMENT CENTER; DEPARTMENT )  
OF CHILDREN AND FAMILY SERVICES; )  
and JERRY REGIER, SECRETARY, )  
DEPARTMENT OF CHILDREN AND )  
FAMILY SERVICES. )  
 )  
 )  
Respondents. )  
 )

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Opinion filed June 11, 2004.

Petition for Writ of Habeas Corpus and/or  
Writ of Mandamus to the Circuit Court for  
Hillsborough County; Jack Espinosa, Jr.,  
Judge.

Julianne M. Holt, Public Defender, and  
Jeanine Cohen, Assistant Public Defender,  
Tampa, for Petitioner.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and Janet A. McDonald,  
Assistant Attorney General, Tampa, for  
Respondents.

SILBERMAN, Judge.

Terry Freeze, a committed person under part V of chapter 394, Florida Statutes (2000), entitled "Involuntary Civil Commitment of Sexually Violent Predators" (the Act), seeks a writ of habeas corpus ordering his immediate release from confinement. Alternatively, he seeks a writ of mandamus ordering the trial court to comply with section 394.918(3) of the Act.

This case is governed by our holding in Allen v. State, No. 2D03-1621 (Fla. 2d DCA May 26, 2004). Accordingly, we deny the petition for writ of habeas corpus and grant the petition for writ of mandamus. We direct the circuit court to hold a limited probable cause hearing pursuant to section 394.918(3), with counsel representing Mr. Freeze as mandated, unless Mr. Freeze has been afforded such a hearing in the last calendar year.

Petition for writ of habeas corpus denied; petition for writ of mandamus granted.

SALCINES and STRINGER, JJ., Concur.