

# **Third District Court of Appeal**

## **State of Florida**

Opinion filed November 4, 2014.

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No. 3D14-2560  
Lower Tribunal No. 13-27204B

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**Borris Moralez,**  
Petitioner,

vs.

**Marydell Guevara, Director, Miami-Dade County Corrections and  
Rehabilitation Department and the State of Florida,**  
Respondents.

A Case of Original Jurisdiction – Habeas Corpus

Carlos J. Martinez, Public Defender, and James Moody, Assistant Public Defender, for petitioner.

Pamela Jo Bondi, Attorney General, and Douglas J. Glaid, Senior Assistant Attorney General, for respondents.

Before SHEPHERD C.J., and WELLS, and EMAS, JJ.

WELLS, Judge.

We treat Petitioner, Borrís Morales's motion to enforce this court's October 24, 2014 order granting his petition for writ of habeas corpus as a renewed petition for writ of habeas corpus, which we grant.

In our prior order we remanded this cause to the court below for an expedited bond hearing pursuant to section 907.041(4)(c), Florida Statutes (2014), and the applicable provisions of Florida Rules of Criminal Procedure 3.131 and 3.132. Rather than complying with this court's order, the trial court judge below summarily reiterated her earlier conclusion that Morales would be held without bond (and without further hearing) following revocation of his pretrial release for a non-criminal violation of a condition originally imposed.

Based upon our review of the truncated proceeding conducted by Judge Stacy D. Glick on remand, which confirmed our earlier determination that revocation of Morales's pretrial release was not predicated on a finding of probable cause to believe that Morales committed a new crime while on pretrial release, and given the trial court's failure to conduct a proper hearing in accordance with the express terms of our mandate, we order that Morales be immediately released without a monetary bond but with the same non-monetary conditions as those imposed in his original pretrial release.

This opinion shall take effect immediately; no motions for rehearing will be entertained.