

Third District Court of Appeal

State of Florida

Opinion filed April 18, 2019.

No. 3D19-737
Lower Tribunal No. 18-10746

Terrance Benjamin,
Petitioner,

vs.

Daniel Junior, etc., et al.,
Respondents.

A Case of Original Jurisdiction -- Habeas Corpus

Carlos J. Martinez, Public Defender, and Natasha Baker-Bradley, Assistant Public Defender, for petitioner.

Ashley Moody, Attorney General, and Sandra Lipman, Assistant Attorney General, for respondent The State of Florida.

Before FERNANDEZ, LOGUE, and MILLER, JJ.

PER CURIAM.

UPON CONFESSION OF ERROR

Petitioner, Terrance Benjamin, seeks a writ of habeas corpus, challenging his pretrial detention. Petitioner was charged with failure to return a hired vehicle, a third-degree felony. See § 817.52(3), Fla. Stat. (2018). The trial court ordered petitioner held without bond following a failure to appear for jury trial.

Petitioner argues the trial court failed to make a finding that his failure to appear was willful and that “no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process.” State v. Blair, 39 So. 3d 1190, 1192 (Fla. 2010) (quoting art. I, § 14, Fla. Const.); see Williams v. State, 68 So. 3d 1010 (Fla. 4th DCA 2011). The State, properly and commendably, concedes error. See § 907.041, Fla. Stat. (2018); State v. Paul, 783 So. 2d 1042 (Fla. 2001).

Accordingly, we grant the petition and direct the trial court to release petitioner with reasonable conditions. This opinion should not be read to limit the ability of the trial court to take additional evidence or impose ancillary conditions on pretrial release.

Petition granted.