

# Third District Court of Appeal

## State of Florida

Opinion filed December 17, 2019.

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No. 3D19-2442  
Lower Tribunal No. 19-20408B

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**Ana Chacon,**  
Petitioner,

vs.

**Daniel Junior, etc., et al.,**  
Respondent.

A Case of Original Jurisdiction – Habeas Corpus.

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

Ashley Moody, Attorney General, and Magaly Rodriguez, Assistant Attorney General, for respondent State of Florida.

Before LINDSEY, HENDON, and MILLER, JJ.

PER CURIAM.

UPON CONFESSION OF ERROR

Petitioner, Ana Chacon, seeks a writ of habeas corpus, challenging her pretrial detention. Petitioner was charged with grand theft in violation of section 812.014, Florida Statutes (2019). The trial court ordered petitioner held without bond following a failure to appear at arraignment.

Petitioner argues the trial court failed to make a finding that her nonappearance 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. (2019); 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.