

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D., 2001

LIBRUN JEAN HENRIQUEZ,
Appellant/Petitioner,
vs.
THE STATE OF FLORIDA,
Appellee/Respondent.

** CASE NO. 3D00-920
**
**
** LOWER TRIBUNAL NOS. 89-36124,
90-42756, 90-43492, 90-47121,
** 92-19531, 92-27517

Opinion filed October 25, 2001.

A Case of Original Jurisdiction - Habeas Corpus

Librun Jean Henriquez, in proper person.

Robert A. Butterworth, Attorney General, and Regine Monestime, Assistant Attorney General; Judy Bone, Department of Corrections for appellee/respondent.

Before GERSTEN and RAMIREZ, JJ., and NESBITT, Senior Judge.

PER CURIAM.

On October 4, 2000, this court remanded this case to the trial court to determine whether Librun Jean Henriquez was entitled relief pursuant to Peart v. State, 756 So. 2d 42 (Fla. 2000). See Henriquez v. State, 774 So. 2d 34 (Fla. 3d DCA 2000).

As a result of the hearing below, as to case numbers, 89-36124, 90-47121, 92-19531, 92-27517, Henriquez was permitted to withdraw his plea and the State apparently elected not to retry the Petitioner.¹

It is on this basis that Petitioner seeks writ of habeas corpus directing his immediate discharge from custody. We agree. The Department of Corrections and all officials within the State government shall process Henriquez for release with deliberate speed.

This decision is effective immediately and its effectiveness will not be delayed by the filing of a motion for rehearing or other post-decision motion.

¹ As to case numbers 90-43492 and 90-42756, the trial court denied the relief Henriquez sought. Henriquez, however, has served his concurrent five year sentences in those cases in full.