

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2004

CRAIG WILLIAMS,

**

Petitioner,

**

CASE NO. 3D03-3351

vs.

**

THE STATE OF FLORIDA,

**

LOWER TRIBUNAL
CASE NO. 94-31310

Respondent.

**

Opinion filed April 21, 2004.

A case of original jurisdiction - habeas corpus.

Charles G. White, for appellant.

Charles J. Crist, Jr., Attorney General, and Thomas C. Mielke,
Assistant Attorney General, for appellee.

Before GERSTEN, GODERICH, and FLETCHER, JJ.,

PER CURIAM.

Craig Williams seeks to be released from custody because he was not brought to trial within 30 days of the trial court's finding of probable cause that he is a sexually violent predator, pursuant to section 394.916, Florida Statutes (2003)[Jimmy Ryce Act]. The record clearly shows, however, that Williams waived his entitlement to be brought to trial within the 30-day period. See Exhibit A, State's motion to supplement record. Williams

explicitly waived the 30-day trial requirement and stated that he was going to work with the public defender on his defense.

Additionally, Williams asserts in his petition for habeas corpus that he has not been brought to trial although his speedy trial time has expired. As the State points out, Williams' case is brought under the Jimmy Ryce Act, which is a civil commitment process, and is not criminal in nature. As such, the rules of criminal procedure do not apply¹, and speedy trial rules are inapplicable.

The petition for habeas corpus is denied.

¹

Section 394.9155(1) provides for the Florida Rules of Civil Procedure and the Florida Rules of Evidence to apply (with exceptions inapplicable here).