

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

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

CHARLES PULLINS,

Petitioner,

vs.

CHARLES J. MCCRAY, Director
Miami-Dade County Corrections
and Rehabilitation Department
for the State of Florida,
Respondent.

**

**

** CASE NO. 3D04-2169

**

** LOWER
TRIBUNAL NO. 01-032372

**

Opinion filed October 6, 2004.

A Case of Original Jurisdiction - Habeas Corpus.

Joseph W. Gibson, for petitioner.

Charles J. Crist, Jr., Attorney General and Richard L.
Polin, Assistant Attorney General, for respondent.

Before SCHWARTZ, C.J., and COPE and WELLS, JJ.

PER CURIAM.

The petitioner, a criminal defendant on bond making a
routine appearance before the circuit court, was summarily
ordered to be drug tested, taken into custody and had his bond

revoked under circumstances virtually identical to those in Reyes v. McCray, ___ So. 2d ___ (Fla. 3d DCA Case no. 3D04-806, opinion filed, August 11, 2004)[29 FLW D1829] and Hernandez v. McCray, 879 So. 2d 60 (Fla. 3d DCA 2004). On the authority of those cases, we grant habeas corpus, vacate the revocation and order the defendant released from custody on his reinstated bond.

Habeas Corpus granted.