

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

WILLIE GRIFFIN,

**

Petitioner,

**

vs.

** CASE NO. 3D04-3099

CHARLES McRAY, Director, Miami-
Dade County Corrections and
Rehabilitation Department; THE
STATE OF FLORIDA,

**

** LOWER

TRIBUNAL NO. 04-34460

**

Respondents.

Opinion filed December 14, 2004.

A Case of Original Jurisdiction - Habeas Corpus.

Bennett H. Brummer, Public Defender and Thomas Regnier,
Assistant Public Defender, for petitioner.

Charles J. Crist, Jr., Attorney General and Douglas J.
Glaidd, Assistant Attorney General, for respondents.

Before GREEN, WELLS, and SHEPHERD, JJ.

PER CURIAM.

Petitioner seeks a writ of habeas corpus challenging the
trial court's sua sponte order revoking his pretrial release and

incarcerating him with a \$100,000 bond for drug purchase and possession charges. We grant the petition.

The trial court was without authority to increase the bond on its own motion. Montgomery v. Jenee, 744 So. 2d 1148, 1149 (Fla. 4th DCA 1999). Florida Rule of Criminal Procedure 3.131(d)(2) permits the state to apply for modification of bail by showing good cause and with at least three (3) hours notice to the attorney for the defendant. Here, the state never sought a modification of the pretrial release conditions nor did the state establish that revoking the petitioner's pretrial release conditions and an increase in bail was warranted because of information not available to the committing magistrate setting the initial pretrial release conditions. Thus, habeas corpus is granted to the extent that the petitioner is ordered released from jail and restored to the terms of pretrial services release supervision as initially ordered. See Sikes v. McMillian, 564 So. 2d 1206 (Fla. 1st DCA 1990); Kelsey v. McMillian, 560 So. 2d 1343 (Fla. 1st DCA 1990). See also Blount v. Spears, 779 So. 2d 672 (Fla. 3d DCA 2001).

Habeas corpus granted.