

# **Third District Court of Appeal**

**State of Florida, January Term, A.D. 2010**

Opinion filed May 20, 2010.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D10-1278  
Lower Tribunal No. 10-1975

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**Tavoris Montrell Brown,**  
Petitioner,

vs.

**Timothy P. Ryan, Director of Miami-Dade County Department of  
Corrections, and The State of Florida,**  
Respondents.

A case of Original Jurisdiction – Habeas Corpus.

Carlos J. Martinez, Public Defender, and Brian L. Ellison, Assistant Public Defender, for petitioner.

Bill McCollum, Attorney General, and Heidi Milan Caballero, Assistant Attorney General, for respondents.

Before SHEPHERD, CORTIÑAS, and SALTER, JJ.

PER CURIAM.

We grant Tavoris Montrell Brown's petition for writ of habeas corpus and direct the trial court to conduct a rule 3.131 pretrial release hearing. This decision is without prejudice for the State to file a motion for pretrial detention, should it choose to do so. See Ho v. State, 929 So. 2d 1155 (Fla. 5th DCA 2006). The trial court is directed to hold the hearing no later than three business days following the issuance of this opinion. See id.

Petition granted; cause remanded.