

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

A.B.,

Petitioner,

v.

Case No. 5D17-657  
L.T. No. 2017-10349-MHDL

STATE OF FLORIDA,

Respondent.

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Opinion filed March 14, 2017

Petition for Writ of Habeas Corpus,  
A Case of Original Jurisdiction.

James S. Purdy, Public Defender, Wilber L.  
Cooke, II and Kathryn Rollison Radtke,  
Assistant Public Defenders, Daytona  
Beach, for Petitioner.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Caroline Johnson Levine,  
Assistant Attorney General, Tampa, for  
Respondent.

PER CURIAM.

We grant A.B.'s amended petition seeking emergency habeas corpus relief to obtain her immediate release from her present confinement at Halifax Health. The order of involuntary commitment issued by the lower court pursuant to section 394.467, Florida Statutes (2017), is improper because the evidence presented at the hearing did not

establish, by clear and convincing evidence, that A.B. would suffer from neglect, or that she posed a danger to herself or others. See *In re Lehrke*, 12 So. 3d 307, 308 (Fla. 2d DCA 2009). Accordingly, A.B. should be immediately discharged if she is still involuntarily committed.

PETITION GRANTED.

PALMER and WALLIS, JJ., and JACOBUS, B. W., Senior Judge, concur.