

Supreme Court of Florida

ORIGINAL

No. 79,070

CHRISTINE SWIDA, Petitioner,

vs.

STATE OF FLORIDA, Respondent.

[April 2, 1992]

PER CURIAM.

We have for review Swida v. State, 589 So.2d 1037, 1037 (Fla. 1st DCA 1991), in which the First District Court of Appeal certified the following question of great public importance:

WHEN AN INDIVIDUAL SEEKING REVIEW OF AN ORDER OF INVOLUNTARY COMMITMENT HAS BEEN RELEASED FROM THAT COMMITMENT PRIOR TO DISPOSITION OF THE APPEAL ON THE MERITS, WHAT SHOWING MUST SHE MAKE TO AVOID DISMISSAL OF THE APPEAL ON GROUNDS OF MOOTNESS?

In Godwin v. State, 17 F.L.W. 24, 24 (Fla. Jan. 2, 1992), we addressed this same issue, however, we restated the question to read as follows:

Does an appeal from a civil commitment order under The Baker Act, section 394.467, Florida Statutes (1989), become moot solely because the person subject to that order has already been released?

In Godwin, we answered the restated question in the negative and quashed the district court's opinion. In light of our decision in Godwin, we quash the decision below and remand the instant case for proceedings consistent with Godwin.

It is so ordered.

SHAW, C.J. and OVERTON, McDONALD, BARKETT, GRIMES, KOGAN and HARDING, JJ., concur.

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

Application for Review of the Decision of the District Court of
Appeal - Certified Great Public Importance

First District - Case No. 91-1300

(Duval County)

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Assistant Public Defender, Fourth Judicial Circuit, Jacksonville,
Florida,

for Petitioner

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