

DISTRICT COURT OF APPEAL OF FLORIDA, THIRD DISTRICT

Jean Gerome v. State of Florida

No. 3D25-1207 · No. No. 3D25-1207 · Decided September 10, 2025

SUMMARY

The Third District Court of Appeal of Florida affirmed the denial of Jean Gerome’s motion for postconviction DNA testing under Florida Rule of Criminal Procedure 3.853. The court held that the State established that DNA testing had already been conducted on all items identified in the motion and that conclusive results had been provided to defense counsel before trial.

CASE DETAILS

COURT	District Court of Appeal of Florida, Third District
WRITING FOR THE COURT	EMAS; LOBREE; BOKOR
JURISDICTION	Florida Third District Court of Appeal
DECIDED	September 10, 2025
DOCKET	No. 3D25-1207
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the circuit court's denial of a motion for postconviction DNA testing under Florida Rule of Criminal Procedure 3.853.
PRECEDENTIAL VALUE	published
PARTIES	Jean Gerome v. State of Florida

TOPICS

- post-conviction relief
- evidence
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- appellate procedure
- DNA testing

QUESTIONS PRESENTED

- Whether the trial court properly denied Gerome’s motion for postconviction DNA testing under Florida Rule of Criminal Procedure 3.853 when the requested materials had already been tested and the conclusive results had been provided to his counsel before trial.

HOLDINGS

1. The trial court properly denied the motion because the requested items and materials had already undergone DNA testing, the results were conclusive, and those results had been provided to defense counsel before trial.

KEY QUOTATIONS

“Rule 3.853 is not intended to be a fishing expedition. Rather, it is intended to provide a defendant with an opportunity for DNA testing of material not previously tested or of previously tested material when the results of previous DNA testing were inconclusive and subsequent developments in DNA testing techniques would likely provide a definitive result. . . .” (2)

FACTUAL BACKGROUND

Gerome sought postconviction DNA testing of specified items and materials under Florida Rule of Criminal Procedure 3.853. The State's response and attached exhibits showed that DNA testing had already been conducted on all of the requested items and that the testing produced conclusive results. Those results had been provided to Gerome's counsel before his 2017 trial.

PROCEDURAL HISTORY

Gerome moved in the trial court for postconviction DNA testing. The Circuit Court for Miami-Dade County denied the motion, and Gerome appealed. The Third District Court of Appeal affirmed because the State's response and attached exhibits established that all requested items and materials had already been tested and that conclusive results had been provided to defense counsel before the 2017 trial.

DISPOSITION

affirmed

CASES CITED

- Hitchcock v. State, 866 So. 2d 23, 27-28 (Fla. 2004)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed September 10, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-1207 Lower Tribunal No. F15-16272 _____ Jean Gerome, Appellant, vs. State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Ariel Rodriguez, Judge.

Jean Gerome, in proper person. James Uthmeier, Attorney General, for appellee. Before EMAS, LOBREE and BOKOR, JJ. PER CURIAM. Defendant appeals the trial court's order denying his

motion for postconviction DNA testing pursuant to Florida Rule of Criminal Procedure 3.853.

We affirm, as the State's response to the motion, and the exhibits attached thereto, established that DNA testing had been conducted on all of the items and material which were the subject of Defendant's motion, and the conclusive results of that testing provided to his counsel prior to his 2017 trial. See *Hitchcock v. State*, 866 So. 2d 23, 27-28 (Fla. 2004) ("Rule 3.853 is not intended to be a fishing expedition.

Rather, it is intended to provide a defendant with an opportunity for DNA testing of material not previously tested or of previously tested material when the results of previous DNA testing were inconclusive and subsequent developments in DNA testing techniques would likely provide a definitive result...."). 2