

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.

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