

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D22-3565

CHRISTIAN ALEXIS MEZA
MANZANARES,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Petition for Writ of Prohibition—Original Jurisdiction.

December 28, 2022

PER CURIAM.

DISMISSED.

M.K. THOMAS and TANENBAUM, JJ., concur; BILBREY, J., dissents
with opinion.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

BILBREY, J., dissenting.

Petitioner has sought a writ of prohibition to disqualify the county court judge presiding in his criminal traffic case. I would issue an order to show cause directing the State to respond to the petition and respectfully dissent from the denial of the petition. See Fla. R. App. P. 9.100(h) (allowing an appellate court to direct a response when “the petition demonstrates a preliminary basis for relief”). The petition alleges that the county judge has an inflexible sentencing policy, which can be a basis to disqualify a trial judge. See *Dunlevy v. State*, 201 So. 3d 733, 736 (Fla. 4th DCA 2016). The petition also states another potential ground for disqualification. See *Bundy v. Rudd*, 366 So. 2d 440, 442 (Fla. 1978) (“When a judge has looked beyond the mere legal sufficiency of a suggestion of prejudice and attempted to refute the charges of partiality, he has then exceeded the proper scope of his inquiry and on that basis alone established grounds for his disqualification.”).

Jessica J. Yeary, Public Defender, and John J. Knowles, First Assistant Public Defender, Tallahassee, for Petitioner.

Ashley Moody, Attorney General, and Robert “Charlie” Lee, Assistant Attorney General, Tallahassee, for Respondent.