

Third District Court of Appeal

State of Florida

Opinion filed August 31, 2016.
Not final until disposition of timely filed motion for rehearing.

No. 3D15-765
Lower Tribunal No. 14-12123

Jorge Escobar-Mazariegos,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Maria Elena Verde, Judge.

Carlos J. Martinez, Public Defender, and Marti Rothenberg, and Shannon Hemmendinger, Assistant Public Defenders, for appellant.

Pamela Jo Bondi, Attorney General, and Robert Martinez Biswas, Assistant Attorney General, for appellee.

Before WELLS, SHEPHERD and SALTER, JJ.

PER CURIAM.

The defendant, Jorge Escobar-Mazariegos, appeals his conviction for

driving while license revoked as a habitual traffic offender. We reverse the defendant's conviction based on this Court's recent opinion in State v. Miller, 193 So. 3d 1001 (Fla. 3d DCA 2016). We remand the case to the trial court to reduce the charge against the defendant to the lesser included offense of driving without a valid driver's license.

In addition, we certify conflict with State v. Bletcher, 763 So. 2d 1277 (Fla. 5th DCA 2000), and Newton v. State, 898 So. 2d 1133 (Fla. 4th DCA 2005).¹

Reversed and remanded; conflict certified.

¹ Each of the conflict cases relied upon Carroll v. State, 761 So. 2d 417 (Fla. 2d DCA 2000). In Burgess v. State, 41 Fla. L. Weekly D1562 (Fla. 2d DCA July 6, 2016), however, the Second District receded en banc from Carroll.