

Third District Court of Appeal

State of Florida

Opinion filed February 2, 2022.
Not final until disposition of timely filed motion for rehearing.

No. 3D22-0079
Lower Tribunal No. F18-22750

John Young Song,
Petitioner,

vs.

The State of Florida,
Respondent.

A Case of Original Jurisdiction – Prohibition.

Braun Law Group, PLLC, and David J. Braun (Pembroke Pines), for petitioner.

Ashley Moody, Attorney General, and Ivy R. Ginsberg, Assistant Attorney General, for respondent.

Before SCALES, HENDON, and MILLER, JJ.

MILLER, J.

Petitioner, John Young Song, seeks a writ of prohibition to prevent the assigned trial judge from further presiding over his criminal case. His verified disqualification motion, deemed legally insufficient below, recites the trial court's reference to his occupation as a law enforcement officer in denying his motion for modification of pretrial release conditions. If viewed in isolation, the reference might invoke a concern of partiality. However, here, a full review of the transcript of the proceedings reveals the trial court merely considered all relevant factors in ruling upon the motion and refused to afford petitioner any special treatment. Because it is a well-settled principle that adverse rulings, without more, do not constitute the requisite bias or prejudice necessary to support disqualification, petitioner has failed to demonstrate a basis for relief. Mendoza v. State, 87 So. 3d 644, 664 (Fla. 2011).

Petition denied.