

Third District Court of Appeal

State of Florida

Opinion filed February 9, 2024.
Not final until disposition of timely filed motion for rehearing.

No. 3D23-1110
Lower Tribunal No. 22-689G

R. M. A., a juvenile,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Dawn Denaro, Judge.

Carlos J. Martinez, Public Defender, and Jennifer Thornton, Assistant Public Defender, for appellant.

Ashley Moody, Attorney General, and Magaly Rodriguez, Assistant Attorney General, for appellee.

Before LOGUE, C.J., and EMAS and BOKOR, JJ.

LOGUE, C.J.

ON MOTION TO RELINQUISH JURISDICTION

Appellant, R.M.A., requests that this Court relinquish its jurisdiction over his appeal, which challenges the trial court's final orders that (1) found he committed a crime; (2) withheld adjudication of that crime; and (3) placed him on probation. He argues that he is now eligible to have his underlying criminal charge dismissed and his probation terminated by the trial court. If granted, his appeal would then be moot. We agree that relinquishment is appropriate under these circumstances and grant the motion.

Specifically, we relinquish jurisdiction to allow the trial court to determine whether R.M.A. is entitled to have his probation terminated under § 985.435(7), Florida Statutes, and to have his charges dismissed per R.M.A.'s agreement with the State. See § 985.435(7), Fla. Stat. (2023) ("The [trial] court may allow early termination of probation for a child who has substantially complied with the terms and conditions of probation."); see also Fla. R. App. P. 9.600(b) ("If the jurisdiction of the lower tribunal has been divested by an appeal from a final order, the court by order may permit the lower tribunal to proceed with specifically stated matters during the pendency of the appeal.").

Our decision here, however, is limited to relinquishment requests that seek termination of probation pursuant to § 985.435(7). We do not consider

or address relinquishment requests seeking a sentence modification under Florida Rule of Criminal Procedure 3.800(c).

R.M.A. is ordered to file a status report in this cause within sixty (60) days of the date of this Order.

Granted with instructions.