

Supreme Court of Florida

No. SC15-770

JASON A. YEGGE,
Petitioner,

vs.

STATE OF FLORIDA,
Respondent.

[December 10, 2015]

PER CURIAM.

Petitioner, Jason A. Yegge, sought review of the Second District Court of Appeal's decision in Yegge v. State, No. 2D12-4193, 40 Fla. L. Weekly D874 (Fla. 2d DCA April 15, 2015), which certified conflict with the Fourth District Court of Appeal's decision in Blacker v. State, 49 So. 3d 785 (Fla. 4th DCA 2010). After Blacker, the Fourth District published its opinion in Goldwire v. State, 73 So. 3d 844 (Fla. 4th DCA 2011), which is consistent with Yegge. We initially accepted jurisdiction based on the certified conflict with Blacker and received briefs on the merits. See art. V, § 3(b)(4), Fla. Const.

Subsequent to the completion of merits briefing, Yegge filed a “Notice of Mootness and Request to Review Under Great Public Importance and Capable of Repetition Yet Evading Review Exception,” explaining that Yegge was scheduled to be released from prison after completing his sentence and that the controversy is now moot as it applies to Yegge. Yegge, however, urges us to retain jurisdiction despite mootness as to him.

Upon further consideration, we have now determined that because there is no conflict between Yegge and Goldwire—a decision of the Fourth District subsequent to Blacker—and also because the case is moot, we exercise our discretion and discharge jurisdiction. Accordingly, this review proceeding is hereby dismissed.

It is so ordered.

LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, POLSTON,
and PERRY, JJ., concur.

NO MOTION FOR REHEARING WILL BE ALLOWED.

Application for Review of the Decision of the District Court of Appeal - Certified
Direct Conflict of Decisions

Second District - Case No. 2D12-4193

(Pinellas County)

Howard L. Dimmig, II, Public Defender, and Alisa Smith, Assistant Public
Defender, Tenth Judicial Circuit, Bartow, Florida,

for Petitioner

Pamela Jo Bondi, Attorney General, Tallahassee, Florida; John M. Klawikofsky, Bureau Chief, and Bilal Ahmed Faruqi, Assistant Attorney General, Tampa, Florida,

for Respondent