

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

TRAVARUS Q. PRUITT,

Petitioner,

v.

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

CASE NO. 1D06-416

STATE OF FLORIDA,

Respondent.

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Opinion filed July 3, 2006.

Petition for Writ of Certiorari - Original Jurisdiction.

Michael Ufferman of Michael Ufferman Law Firm, P.A., Tallahassee, for Petitioner.

Charlie Crist, Attorney General, Diego Puig and Bryan Jordan, Assistant Attorneys General, Tallahassee, for Respondent.

PER CURIAM.

As the state correctly concedes, petitioner's motion for reduction or modification of sentence pursuant to Florida Rule of Criminal Procedure 3.800(c) was timely filed. Accordingly, contrary to its order, the trial court did possess jurisdiction to consider the merits of that motion. The state also correctly concedes that the trial court's order constitutes a departure from the essential requirements of law, entitling

petitioner to the writ of certiorari he seeks. See, e.g., Davis v. State, 745 So. 2d 499 (Fla. 1st DCA 1999). The petition seeking a writ of certiorari is granted; the trial court's order denying petitioner's rule 3.800(c) motion for lack of jurisdiction is quashed; and the case is remanded for further proceedings.

PETITION FOR WRIT OF CERTIORARI GRANTED.

ERVIN, WEBSTER, and THOMAS, JJ., CONCUR.