

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2008

DWIGHT EVERETT,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-2702

[October 8, 2008]

PER CURIAM.

The order denying appellant's Florida Rule of Criminal Procedure 3.800(a) motion is reversed and remanded with instructions to enter an order dismissing the motion. *Campbell-Eley v. State*, 763 So. 2d 539 (Fla. 4th DCA 2000).

On the same day he filed this motion, Appellant filed a notice of appeal from the revocation of his probation and sentence. The trial court lacked jurisdiction to consider a rule 3.800(a) motion while an appeal of the sentence was pending. *Id.* See also *Major v. State*, 882 So. 2d 1058 (Fla. 4th DCA 2004); *Martin v. State*, 800 So. 2d 363 (Fla. 4th DCA 2001).

WARNER, TAYLOR and DAMOORGIAN, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul Backman, Judge; L.T. Case Nos. 03-18063 CF10A & 04-06739 CF10A.

Dwight Everett, Sneads, pro se.

Bill McCollum, Attorney General, Tallahassee, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.