

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

ANTWAN E. BROWN, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D03-4656

Opinion filed May 19, 2006.

Appeal from the Circuit Court for Pinellas  
County; Richard A. Luce and Brandt C.  
Downey, III, Judges.

Antwan E. Brown, pro se.

Charles J. Crist, Jr., Attorney General,  
Tallahassee, and Jonathan P. Hurley,  
Assistant Attorney General, Tampa, for  
Appellee.

VILLANTI, Judge.

We affirm Antwan Brown's appeal of his judgment and sentence entered  
after he pleaded guilty. We do so without prejudice for him to file a motion under Florida

Rule of Criminal Procedure 3.800(a) when the mandate in this case has issued and jurisdiction has returned to the circuit court. Any motion should not be deemed successive based upon the circuit court's denial of Brown's pro se motion to correct illegal sentence. See Schrader v. State, 890 So. 2d 312 (Fla. 2d DCA 2004) (holding that a circuit court did not have jurisdiction to rule on a defendant's rule 3.800(a) motion filed during the pendency of his direct appeal).

Affirmed.

DAVIS and CANADY, JJ., Concur.