

Third District Court of Appeal

State of Florida, January Term, A.D. 2011

Opinion filed July 1, 2011.
Not final until disposition of timely filed motion for rehearing.

No. 3D11-1013
Lower Tribunal Nos. 02-13719 & 02-14356

Juan Espinosa,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Marisa Tinkler Mendez, Judge.

Juan Espinosa, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before GERSTEN, ROTHENBERG, and SALTER, JJ.

PER CURIAM.

Juan Espinosa (“the defendant”) appeals from an order denying his motion to correct illegal sentence under Florida Rule of Criminal Procedure 3.800. The

trial court denied the motion on procedural grounds because of a pending appeal before this Court (case number 3D10-3415). Since then, the defendant has voluntarily dismissed his appeal in case number 3D10-3415. Accordingly, we reverse the order summarily denying the defendant's motion, and remand for the trial court to address the merits of the defendant's Rule 3.800 motion.

Reversed and remanded.