

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

DONALD BRUSH, III,

Appellant,

v.

Case No. 5D14-547

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 3, 2014

3.850 Appeal from the Circuit Court
for Citrus County,
Richard A. Howard, Judge.

Donald Brush, III, Live Oak, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Carmen F. Corrente,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm the trial court's denial of Appellant's January 16, 2014, motion for postconviction relief. We also affirm the trial court's March 13, 2014, order denying appointment of counsel. However, we reverse that portion of the March 13, 2014, order that considered, on the merits, Appellant's request to file a successive motion for

postconviction relief to raise additional claims. The trial court was without jurisdiction to consider the additional claims as this appeal was still pending.¹

AFFIRMED in part; REVERSED in part; and REMANDED.

TORPY, C.J., SAWAYA and ORFINGER, JJ., concur.

¹ We acknowledge that our order relinquishing jurisdiction to consider Appellant's motion for appointment of counsel, and for permission to file a successive motion for postconviction relief, was vague regarding the scope of our remand.