

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

AQUILLIA T. WILSON,

Appellant,

v.

Case No. 5D20-1343

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 30, 2020

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

Aquillia T. Wilson, Trenton, pro se.

Ashley Moody, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

On May 27, 2020, Aquillia T. Wilson mailed his Second Motion for Postconviction Relief and a motion to disqualify the judge presiding over the postconviction motion. The motion for postconviction relief was filed on May 29, 2020, and the motion to disqualify was filed on June 1, 2020. The lower court denied Appellant's Second Motion for

Postconviction Relief on June 4, 2020, and denied the motion to disqualify on June 8, 2020.

Appellant correctly argues that Florida law requires an immediate ruling on motions to disqualify. See Fla. R. Jud. Admin. 2.330(j). “Additionally, while a motion to disqualify is pending, the trial court is not authorized to rule on other pending motions; all such motions upon which the trial court rules must be vacated.” *Gomez v. State*, 900 So. 2d 760, 761 (Fla. 4th DCA 2005) (citing *Fuster-Escalona v. Wisotsky*, 781 So. 2d 1063, 1065 (Fla. 2000); *Brown v. State*, 863 So. 2d 1274 (Fla. 1st DCA 2004)). The lower court erred when it ruled on Appellant’s postconviction motion while the motion to disqualify was pending. We reverse and remand for further proceedings consistent with this opinion.

ORDER VACATED; REMANDED WITH INSTRUCTIONS.

EVANDER, C.J., EDWARDS and TRAVER, JJ., concur.