

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

THOMAS MARTIN,

Petitioner,

v.

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

CASE NO. 1D13-1731

STATE OF FLORIDA,

Respondent.

\_\_\_\_\_ /

Opinion filed October 23, 2013.

Petition for Writ of Writ of Certiorari – Original Jurisdiction.

Thomas P. Martin, pro se, Petitioner.

Pamela Jo Bondi, Attorney General, and Michael McDermott, Assistant Attorney General, Tallahassee, for Respondent.

PER CURIAM.

As the State correctly concedes, contrary to the trial court's order, petitioner's motion for reduction or modification of sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(c) was timely. The State also correctly concedes that the trial court's order constitutes a departure from the essential requirements of law, entitling petitioner to the writ of certiorari he seeks. See, e.g., Pruitt v. State, 932 So. 2d 617 (Fla. 1st DCA 2006). The petition seeking a writ of certiorari is granted; the trial

court's order denying petitioner's rule 3.800(c) motion as untimely filed is quashed;  
and the case is remanded for further proceedings.

PETITION FOR WRIT OF CERTIORARI GRANTED.

LEWIS, C.J., WOLF and MAKAR, JJ., CONCUR.