

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

SEAN P. REILLY,

Petitioner,

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

v.

CASE NO. 1D13-2884

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed October 2, 2013.

Petition for Writ of Mandamus -- Original Jurisdiction.

Sean P. Reilly, pro se, Petitioner.

Pamela Jo Bondi, Attorney General, and Trisha Meggs Pate, Assistant Attorney
General, Tallahassee, for Respondent.

PER CURIAM.

Sean P. Reilly seeks mandamus relief to compel the circuit court to rule on a

motion filed pursuant to Florida Rule of Criminal Procedure 3.800(a). However, two direct appeals arising from the same case are currently pending before this court, and the circuit court is therefore divested of jurisdiction to consider the rule 3.800(a) motion at this point. See Campbell-Eley v. State, 763 So. 2d 539 (Fla. 4th DCA 2000) (a trial court lacks jurisdiction to consider a defendant's motion to correct illegal sentence while a direct appeal is pending). Accordingly, the petition for writ of mandamus is DENIED.

THOMAS, WETHERELL, and RAY, JJ., CONCUR.