

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-5394

DEJUANE JACKSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Escambia County.
Edward P. Nickinson III, Judge.

June 4, 2018

PER CURIAM.

This direct criminal appeal was filed December 20, 2017, seeking review of a judgment and sentence rendered over thirty days earlier, on October 31, 2017. The appeal is untimely and must be dismissed for lack of jurisdiction. *See* Fla. R. App. P. 9.140(b)(3); *Miami-Dade County v. Peart*, 843 So. 2d 363 (Fla. 3d DCA 2003). We write only to address Appellant's argument, filed in response to our show-cause order, that the time to appeal was extended by a timely motion for reduction of sentence.

Appellant filed a "Motion to Reduce Sentence" on November 1, 2017, pursuant to Florida Rule of Criminal Procedure 3.800(c). In the motion, Appellant asked the trial court to reconsider its earlier sentence in light of pertinent facts, such as the possible

sentencing range and the nature of the charges, as well as the effect the sentence will have on Appellant's family and the cost of incarceration. The motion properly appeals to the discretion of the sentencing court under rule 3.800(c). It does not allege any error or otherwise seek correction of the judgment and sentence under Florida Rule of Criminal Procedure 3.800(b)(1). Therefore, Appellant's motion did not extend the time to appeal. *Cf.* Fla. R. App. P. 9.020(i) (listing rule 3.800(b)(1) motion among the authorized motions that suspend rendition). Accordingly, the appeal is DISMISSED.

Any request for belated appeal must be filed pursuant to Florida Rule of Appellate Procedure 9.141(c).

WETHERELL, RAY, and OSTERHAUS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Bruce A. Miller, Public Defender, and Nicholas Flippo, Assistant Public Defender, Pensacola; Randall J. Etheridge, Pensacola; Andy Thomas, Public Defender, and Steven L. Seliger, Assistant Public Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, Tallahassee, for Appellee.