

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-733

WILLIAM BROWN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Tatiana Salvador, Judge.

September 9, 2019

PER CURIAM.

This is an appeal from an order dismissing Appellant's second motion for postconviction relief on the ground that the trial court lacked jurisdiction to entertain the motion during the pendency of Appellant's appeal from the denial of his first motion for postconviction relief. The State properly concedes that the trial court had jurisdiction to rule on Appellant's second postconviction motion where the issue raised in that motion was unrelated to the issues raised in his prior postconviction motion. *See Rhow v. State*, 264 So. 3d 288 (Fla. 1st DCA 2019). Accordingly, we reverse and remand for further proceedings.

REVERSED and REMANDED.

WOLF, ROBERTS, and JAY, JJ., concur.

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

William Brown, pro se, Appellant.

Ashley Moody, Attorney General, and Anne C. Conley, Assistant Attorney General, Tallahassee, for Appellee.