

Third District Court of Appeal

State of Florida

Opinion filed October 7, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-0379
Lower Tribunal No. 82-26408A

Reginald Wright,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Stacy D. Glick, Judge.

The Law Offices of Sean Marcus, PLLC, and Sean T. Marcus, for appellant.

Ashley Moody, Attorney General, and Linda S. Katz, Assistant Attorney General, for appellee.

Before FERNANDEZ, HENDON, and MILLER, JJ.

PER CURIAM.

ON MOTION FOR REHEARING

We deny the appellant's motion for rehearing. However, we withdraw our prior per curiam affirmance with citations issued August 19, 2020 and substitute the following in its place.

Affirmed. Melton v. State, 45 Fla. L. Weekly D1296 (Fla. 1st DCA May 29, 2020) (holding that because resentencing had not yet occurred, the court retained jurisdiction to reconsider its order granting resentencing based on an intervening change in the law); Adams v. State, 949 So. 2d 1125, 1126 (Fla. 3d DCA 2007) (holding that when a trial court grants a 3.800(a) motion, it has not granted the defendant any collateral relief until it resentsences him as the order granting a 3.800(a) motion is not a final order) (citing State v. Delvalle, 745 So. 2d 541, 542 (Fla. 4th DCA 1999)); Rogers v. State, 296 So. 3d 500 (Fla. 1st DCA 2020) (concluding that orders granting relief under rule 3.800(a) are not final or appealable, and so the trial court retains its inherent authority to reconsider such orders); Morgan v. State, 293 So. 3d 1081 (Fla. 2d DCA 2020) (holding that order granting defendant's motion to correct illegal sentence but not yet resentencing defendant was not final, appealable order).