

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, 2004

MIGUEL LLOREN,

Appellant, CASE NO. 3D04-1611

vs.

THE STATE OF FLORIDA,

Appellee.

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** LOWER
TRIBUNAL NO. 91-270

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Opinion filed September 15, 2004.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)
(2) from the Circuit Court for Monroe County, William Ptomey,
Judge.

Miguel Lloren, in proper person.

Charles J. Crist, Jr., Attorney General, and Fredericka
Sands, Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and GODERICH and SHEPHERD, JJ.

PER CURIAM.

Because the appellant misinformed the trial court that there was a pending prior appeal from the denial of a 3.800 motion, the trial court did not lack jurisdiction to consider the appellant's motion. Lloren v. State, 871 So. 2d 237 (Fla. 3d DCA 2004). Accordingly, we reverse and remand for reconsideration on the merits.