

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Deandrew Tony Scott v. State of Florida

No. 6D2024-2300, Sixth District Court of Appeal of Florida (April 10, 2026)

SUMMARY

The Sixth District Court of Appeal of Florida reversed an order granting Deandrew Tony Scott’s motion to correct an illegal sentence. The court held that the trial court lacked jurisdiction to rule on the motion while Scott’s direct appeal was pending, and it permitted Scott to file a renewed motion under Florida Rule of Criminal Procedure 3.800 after the direct appeal had resolved.

CASE DETAILS

COURT	Sixth District Court of Appeal of Florida
WRITING FOR THE COURT	Per Curiam; Wozniak, J.; White, J.; Smith, J.
JURISDICTION	Florida Sixth District Court of Appeal
DECIDED	April 10, 2026
DOCKET	6D2024-2300
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from an order granting Scott's motion to correct an illegal sentence under Florida Rule of Criminal Procedure 3.800(a)(1).
STANDARD OF REVIEW	De novo review of the trial court's jurisdiction to rule on a motion to correct an illegal sentence.
PRECEDENTIAL VALUE	published
PARTIES	Deandrew Tony Scott v. State of Florida

TOPICS

- appellate jurisdiction
- appellate procedure
- sentence modification
- post-conviction relief
- criminal procedure

PRACTICE AREAS

- Criminal procedure
- Appellate procedure
- Post-conviction relief

QUESTIONS PRESENTED

1. Whether the trial court had jurisdiction to rule on Scott's rule 3.800(a)(1) motion to correct an illegal sentence while Scott's direct appeal was pending.

HOLDINGS

1. The trial court lacked jurisdiction to rule on Scott's motion to correct an illegal sentence while his direct appeal was pending.

KEY QUOTATIONS

“The parties properly concede that the trial court lacked jurisdiction to rule on Scott’s motion to correct illegal sentence during the pendency of his direct appeal, which has now resolved.”

FACTUAL BACKGROUND

Scott filed a motion to correct an illegal sentence under Florida Rule of Criminal Procedure 3.800(a)(1). The trial court granted the motion while Scott's direct appeal was pending. The direct appeal later resolved, but the appellate court did not address the merits of the illegal-sentence claim.

PROCEDURAL HISTORY

The circuit court for Orange County granted Scott's motion to correct an illegal sentence while his direct appeal was pending. The direct appeal subsequently resolved, and the parties conceded in this appeal that the trial court lacked jurisdiction to rule on the motion during the pendency of the direct appeal. The Sixth District Court of Appeal reversed the order without prejudice to Scott filing a renewed motion under rule 3.800.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The order granting Scott's motion is reversed without prejudice to Scott's filing a renewed motion under Florida Rule of Criminal Procedure 3.800. The court expressed no opinion on the merits.

CASES CITED

- Scott v. State, 397 So. 3d 721 (Fla. 6th DCA 2024)

OPINION

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL STATE OF FLORIDA
Case No. 6D2024-2300 Lower Tribunal No. 2014-CF-005144
DEANDREW TONY SCOTT, Appellant, v. STATE OF
FLORIDA, Appellee. Appeal from the Circuit Court for
Orange County. Leticia Marques, Judge. April 10, 2026 WOZNIAK, J. The parties properly

concede that the trial court lacked jurisdiction to rule on Scott's motion to correct illegal sentence during the pendency of his direct appeal, which has now resolved.

1 See Fla. R. Crim. P. 3.800(a)(1). Accordingly, we reverse the order granting Scott's motion. Our reversal is without prejudice to Scott's filing 1 See Scott v. State, 397 So. 3d 721 (Fla. 6th DCA 2024). a renewed motion under rule 3.800.

We express no opinion on the merits of the motion. REVERSED. WHITE and SMITH, JJ., concur. Blair Allen, Public Defender, and Susan M. Shanahan, Assistant Public Defender, Bartow, for Appellant. James Uthmeier, Attorney General, Tallahassee, and Stephen R. Putnam, Jr., Assistant Attorney General, Daytona Beach, for Appellee. NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF TIMELY FILED 2