

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-1199
LT Case No. 2023-CF-6486-A

JOSHUA MICHAEL WILLIAMS,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Petition for Certiorari Review of Order
from the Circuit Court for Duval County.
London Mahogany Kite, Judge.

Ryan Edward McFarland, of Kent & McFarland Attorneys at Law,
Jacksonville, for Petitioner.

James Uthmeier, Attorney General, and Michael McDermott,
Assistant Attorney General, Tallahassee, for Respondent.

June 27, 2025

PER CURIAM.

By petition for writ of certiorari, Joshua Williams seeks review of an order denying his motion for sentence modification pursuant to Florida Rule of Criminal Procedure 3.800(c). The trial court, under the authority of *Adams v. State*, 118 So. 3d 930, 931 (Fla. 1st DCA 2013), denied Williams' motion based on its

conclusion that Williams had entered a negotiated plea with the State, and therefore, the trial court did not reach the merits of the motion. However, the trial court was mistaken as Williams entered an open plea rather than a negotiated plea. Particularly, the record shows that the trial court refused to accept a negotiated plea as provided in the plea and sentencing transcript. Because the trial court did not reach the merits of the motion, we quash the circuit court's order and remand the matter for reconsideration on its merits. *See Summers v. State*, 397 So. 3d 768 (Fla. 5th DCA 2024); *Evans v. State*, 691 So. 2d 63 (Fla. 5th DCA 1997).

ORDER QUASHED and REMANDED with instructions.

LAMBERT, EISNAUGLE, and BOATWRIGHT, JJ., concur.

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