

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2022-1743

ANTONIO R. RICHARDSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Leon County.
Stephen S. Everett, Judge.

November 6, 2024

ON MOTION TO RELINQUISH JURISDICTION

PER CURIAM.

In this direct appeal, merits briefing was completed in 2023, and supplemental briefing that we ordered was completed September 13, 2024. On October 18, 2024, Appellant's counsel moved to relinquish jurisdiction to the trial court for filing a motion under Florida Rule of Criminal Procedure 3.800(b)(2) to address the potential impact of the United States Supreme Court's June 21, 2024 decision in *Erlinger v. United States*, 602 U.S. 821 (2024), which had not been raised earlier.

We deny the motion as improperly filed and served after Appellant's initial brief was filed. *See* Fla. R. Crim. P. 3.800(b)(2) ("The motion may be filed by appellate counsel and must be served

before the party's first brief is served."). We express no opinion on whether *Erlinger* affects Florida law.

DENIED.

LEWIS, RAY, and KELSEY, JJ., concur.

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

Jessica J. Yeary, Public Defender, and Megan Lynne Long, Assistant Public Defender, Tallahassee, for Appellant.

Ashley Moody, Attorney General, and Julian E. Markham, Assistant Attorney General, Tallahassee, for Appellee.