

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2025-3163

CAMELINE K. ST. FABRE, JR.,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Alachua County.
Robert K. Groeb, Judge.

August 19, 2026

PER CURIAM.

The trial court resentenced Appellant in numerous cases on November 4, 2025, following his admission to violating community control. On November 21, 2025, Appellant filed a motion under Florida Rule of Criminal Procedure 3.800(a), alleging that the sentences are illegal. But because rule 3.800(a) motions are unauthorized during the time allowed for the filing of a notice of appeal of a sentence, *see* Fla. R. Crim. P. 3.800(a)(1), (b)(1), the trial court treated the motion as a timely filed motion under rule 3.800(b)(1), which authorizes motions to correct an illegal sentence during such time. *Id.* After treating Appellant's motion as one filed under rule 3.800(b)(1), the trial court denied it on the merits in an order dated November 25, 2025. This appeal seeks review of that order.

This Court, however, issued an order to show cause why the order below should not be quashed, in view of Appellant's notice of appeal of the sentences themselves, filed on November 24, 2025, one day prior to the trial court's order on the rule 3.800 motion. *See* Case No. 1D2025-3123 (Appellant's appeal of the sentences initiated by a notice of appeal stamped on November 24, 2025); *see also Madson v. State*, 375 So. 3d 388 (Fla. 1st DCA 2023) (quashing a trial court's order on a rule 3.800(a) motion because the direct appeal was already pending). The State filed a response.

Upon further consideration, we decline to quash the trial court's order dated November 25, 2025. The trial court permissibly construed Appellant's motion under rule 3.800(b)(1). *See Steinhorst v. State*, 636 So. 2d 498, 500 (Fla. 1994) (interpreting article V, section 2(a) of the Florida Constitution as directing trial courts to treat a motion as if it were filed under the correct post-conviction rule); *Caraballo v. State*, 422 So. 3d 665, 668 (Fla. 6th DCA 2025) (ruling that the post-conviction court should have treated the motion "as having been filed under the correct rule"); *Aswell v. State*, 310 So. 3d 983, 984 (Fla. 2d DCA 2020) ("[T]he correct approach is to treat the motion as though it were filed under the correct rule."); *Cannon v. State*, 206 So. 3d 831, 834 (Fla. 1st DCA 2016) (similar). As construed under rule 3.800(b)(1), the motion stayed rendition of each sentence under Florida Rule of Appellate Procedure 9.020(h). Fla. R. Crim. P. 3.800(b)(1)(A). Rule 9.020(h), in turn, directs this Court to hold an appeal of a sentence in abeyance "if a notice of appeal is filed before the rendition of an order disposing" of a rule 3.800(b)(1) motion, until the order is rendered. Fla. R. App. P. 9.020(h)(2)(C). Thus, the trial court was not divested of jurisdiction to issue the order denying Appellant's rule 3.800 motion merely because Appellant filed the notice of appeal of the sentences one day earlier. *See Miller v. Ko*, 426 So. 3d 556, 559–60 (Fla. 3d DCA 2025) (discussing how the 2015 amendment to rule 9.020 allows the trial court to retain jurisdiction to issue an order on a motion listed within that rule); *Brannon v. State*, 396 So. 3d 420, 422 (Fla. 6th DCA 2024) (explaining that a trial court is not divested of jurisdiction to rule on a motion filed under rule 3.800(b)(1) even though a notice of appeal has already been filed).

Finally, Appellant’s direct appeals of the sentences are currently pending in Case Nos. 1D25-3123, 1D25-3129, 1D25-3131, 1D25-3132, and 1D25-3134. Because the Florida Rules of Appellate Procedure do not permit a separate appeal of an order denying a rule 3.800(b)(1) motion, *see* Fla. R. App. P. 9.140(b)(1), 9.141, we must dismiss this separate appeal. Such a denial order may only be challenged on direct appeal. Fla. R. App. P. 9.140(e). Accordingly, this Court does not have jurisdiction to consider the denial order outside of the above listed direct appeals. *Lesende v. State*, 301 So. 3d 323, 324 (Fla. 2d DCA 2020); *see also Cooper v. State*, 919 So. 2d 516, 519 (Fla. 1st DCA 2005) (“[T]he procedure established by rule 3.800(b) was meant to be used only in a direct appeal.”).

For these reasons, the order to show cause is DISCHARGED and this appeal is DISMISSED.

BILBREY, TREADWELL, and NEFF, JJ., concur.

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

Cameline K. St. Fabre, Jr., pro se, Appellant.

James Uthmeier, Attorney General, and Thomas H. Duffy, Assistant Attorney General, Tallahassee, for Appellee.