

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-2146
LT Case No. 2018-CF-003326-A
CORRECTED

JEREMY TYRONE HICKMAN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Seminole County.
Michael Joseph Rudisill, Judge.

Jeremy Tyrone Hickman, Orlando, pro se.

John M. Guard, Acting Attorney General, Tallahassee and
Stephen R. Putnam, Jr., Assistant Attorney General, Daytona
Beach, for Appellee.

February 7, 2025

PER CURIAM.

Jeremy Tyrone Hickman appeals his judgment and sentence after entering a nolo contendere plea. Because Hickman did not expressly reserve the right to appeal any issue pursuant to Florida Rule of Appellate Procedure 9.140(b)(2)(A)(i) or argue a meritorious issue that may otherwise be raised in a direct appeal

pursuant to Florida Rule of Appellate Procedure 9.140(b)(2)(A)(ii), we affirm the judgment and sentence. *See Schaefer v. State*, 343 So. 3d 1216, 1217 (Fla. 5th DCA 2022) (citing *Leonard v. State*, 760 So. 2d 114, 119 (Fla. 2000)).

Additionally, Hickman was represented by counsel during the plea and sentencing. Upon entering his plea, Hickman filed a pro se notice of appeal and subsequently filed a pro se document, the contents of which indicate it should be treated as a motion to withdraw plea. *See Fla. R. Crim. P. 3.170(l)*. The notice of appeal was filed first, which divested the trial court of jurisdiction to consider the motion to withdraw plea. *See Carroll v. State*, 266 So. 3d 1270, 1272 (Fla. 5th DCA 2019). Because our record indicates the motion to withdraw plea is still pending and Hickman was represented by counsel at the time it was filed, we remand for the trial court to strike the motion as null. *See Syverson v. State*, 373 So. 3d 1270, 1272 (Fla. 5th DCA 2023) (citing *Payet v. State*, 357 So. 3d 172, 173 (Fla. 5th DCA 2022)).

AFFIRMED and REMANDED.

EDWARDS, C.J., and MAKAR and KILBANE, JJ., concur.

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