

# Third District Court of Appeal

State of Florida, January Term, A.D. 2009

Opinion filed April 29, 2009.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D09-295  
Lower Tribunal No. 05-6337

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**Omar Vaughn Salmon,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Orlando A. Prescott, Judge.

Omar Vaughn Salmon, in proper person.

Bill McCollum, Attorney General, for appellee.

Before RAMIREZ, SHEPHERD, and SUAREZ, JJ.

SUAREZ, J.

Omar Vaughn Salmon appeals from the trial court's summary denial of his motion to correct an illegal sentence, incorrectly styled as a Florida Rule of

Criminal Procedure 3.850 motion by the defendant. The defendant filed this petition in Miami-Dade County Circuit Court, and maintains that this Court should have ordered his Miami-Dade County prison term to run concurrent with his prison term in Broward County. The Miami-Dade County Circuit Court correctly determined from the record that the Miami-Dade County sentence was entered two years prior to the sentence entered in Broward County, and thus the Miami-Dade County court has no jurisdiction over the Broward County sentence. The proper forum for this motion is in Broward County.

We remand with instructions that the trial court dismiss this action as incorrectly filed, without prejudice to the defendant to refile in Broward County.

Reversed and remanded.