

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

TYRONE SIMS,

Appellant,

v.

Case No. 5D19-2919

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 20, 2019

3.850 Appeal from the Circuit
Court for Orange County,
Tom Young, Judge.

Tyrone Sims, Punta Gorda, pro se.

No Appearance for Appellee.

SASSO, J.

Appellant seeks review of the trial court's order summarily denying his "Motion for Extension of Time and Second Amended 3.850 Post conviction Motion." We affirm the denial, but not for the reasons articulated by the trial court. Instead, we affirm because Appellant's second amended motion raises a new, distinct basis for ineffective assistance of counsel. *See, e.g., Johnson v. State*, 247 So. 3d 698, 700 (Fla. 1st DCA 2018) (affirming denial of amended 3.850 motion where motion did not provide new information to support original claim that trial counsel was ineffective, but rather amended motion

attempted to raise a new claim). Consequently, the motion was appropriately denied. See Fla. R. Crim. P. 3.850(e) (“New claims for relief contained in an amendment need not be considered by the court unless the amendment is filed within the [two-year] time frame specified in subdivision (b).”).

AFFIRMED.

GROSSHANS and TRAVER, JJ., concur.