

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

RODNEY BROWN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D05-3815

Opinion filed January 30, 2006.

An appeal from the Circuit Court for Clay County.
William A. Wilkes, Judge.

Appellant, pro se.

Charlie Crist, Attorney General; Robert R. Wheeler and Trisha Meggs Pate, Assistant
Attorneys General, Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the summary denial of his rule 3.850 motion. Because the appellant timely filed a motion to dismiss pursuant to the mailbox rule before the trial court ruled on the appellant's rule 3.850 motion, we reverse and remand with directions to grant the appellant's motion for voluntary dismissal without prejudice to file a new postconviction motion within 30 days of the date of its order. See

Hansen v. State, 816 So. 2d 808 (Fla. 1st DCA 2002).

REVERSED AND REMANDED.

VAN NORTWICK, HAWKES, AND THOMAS, JJ., CONCUR.