

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

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

JAMES L. MURPHY,

Appellant,

v.

CASE NO. 1D09-4572

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 31, 2009.

An appeal from the Circuit Court for Taylor County.
James Roy Bean, Judge.

James L. Murphy, pro se, Appellant.

Bill McCollum, Attorney General, and Giselle Denise Lyles, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the denial of his motion brought pursuant to Florida Rule of Criminal Procedure 3.850. It is apparent that the appellant's prior rule 3.850 motion only addressed the appellant's convictions resulting from his

plea agreement and the appellant's instant rule 3.850 motion only addresses his convictions following his jury trial. Because there were separate judgments and sentences entered in the appellant's case, the instant motion does not appear to be successive. Accordingly, we reverse and remand to the lower court to address the appellant's claims on the merits.

REVERSED.

WEBSTER, PADOVANO, and ROWE, JJ., CONCUR.