

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

DAVID S. NAILON,

Petitioner,

v.

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

CASE NO. 1D11-3964

STATE OF FLORIDA,

Respondent.

Opinion filed March 22, 2012.

Petition for Writ of Certiorari -- Original Jurisdiction.

David S. Nailon, pro se, Petitioner.

Pamela Jo Bondi, Attorney General, and Charlie McCoy, Assistant Attorney General,
Tallahassee, for Respondent.

PER CURIAM.

David S. Nailon seeks certiorari review of an order dismissing as untimely his motion for reduction and modification of sentence pursuant to Florida Rule of Criminal Procedure 3.800(c). As the state properly concedes, petitioner's motion was in fact timely. Accordingly, the petition for writ of certiorari is GRANTED, the order dismissing petitioner's rule 3.800(c) motion is QUASHED, and the matter is REMANDED with directions to consider the merits of Nailon's motion.

PADOVANO, LEWIS, and WETHERELL, JJ., CONCUR.