

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

STEPHEN JEFFREY BRACE,

Petitioner,

v.

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

CASE NO. 1D12-3509

STATE OF FLORIDA,

Respondent.

Opinion filed October 5, 2012.

Petition for Writ of Habeas Corpus -- Original Jurisdiction.

Stephen Jeffrey Brace, pro se, Petitioner.

Pamela Jo Bondi, Attorney General, and Heather Flanagan Ross, Assistant Attorney General, Tallahassee, for Respondent.

PER CURIAM.

It appearing that the court improvidently dismissed petitioner's direct appeal in case number 1D09-1216 as premature rather than holding the appeal in abeyance pursuant to Florida Rule of Appellate Procedure 9.020(h)(3), the petition for writ of habeas corpus is granted, and the appeal in case number 1D09-1216 is reinstated.

VAN NORTWICK, CLARK, and RAY, JJ., CONCUR.