

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

STACEY MOORE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-4417

[January 30, 2008]

PER CURIAM.

Appellant Stacey Moore appeals the trial court's order summarily denying his amended motion for post conviction relief filed in accordance with this Court's earlier opinion and mandate in *Moore v. State*, 960 So. 2d 818 (Fla. 4th DCA 2007). The trial court summarily denied the amended motion based on a State response filed there, arguing that it was successive. The State concedes that the trial court erred in summarily denying Moore's amended motion for post conviction relief as successive because this Court's previous opinion expressly authorized the amended motion. We agree.

Therefore, trial court's order summarily denying the amended motion is reversed and the cause is remanded for further consideration.

Reversed and Remanded.

STONE, POLEN, and DAMOORGIAN, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case No. 03-18944 CF10A.

Stacey Moore, Immokalee, pro se.

Bill McCollum, Attorney General, Tallahassee, and Heidi L. Bettendorf, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing