

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

RICARDO PADILLA,)	
)	
Appellant,)	
)	
v.)	Case No. 2D13-4062
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed April 17, 2015.

Appeal from the Circuit Court for Charlotte
County; George C. Richards, Judge.

Howard L. Dimmig, II, Public Defender, and
Tim Bower Rodriguez, Special Assistant
Public Defender, Bartow, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Jonathan P. Hurley,
Assistant Attorney General, Tampa, for
Appellee.

KHOUZAM, Judge.

Ricardo Padilla challenges the order partially denying and partially
granting his motion to correct illegal sentence. Padilla's notice of appeal is untimely as
to this postconviction order. See Taylor v. State, 140 So. 3d 526, 528 (Fla. 2014) ("[A]n
order disposing of a postconviction motion which partially denies and partially grants

relief is a final order for purposes of appeal, even if the relief granted requires subsequent action in the underlying case, such as resentencing."). However, we conclude that Padilla is entitled to a belated appeal because the postconviction court incorrectly advised Padilla to file his notice of appeal within 30 days of resentencing and Padilla apparently relied on the postconviction court's instructions, filing his notice of appeal within that time frame. Ultimately, we affirm the denial of Padilla's claim without comment.

Affirmed.

CASANUEVA and CRENSHAW, JJ., Concur.