

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

MARVIN WILLIAMS,

Appellant,

v.

Case No. 5D16-143

STATE OF FLORIDA,

Appellee.

Opinion filed June 3, 2016

3.850 Appeal from the Circuit Court
for Lake County,
William G. Law, Jr., Judge.

Edwin Ferguson, of The Ferguson Law
Firm, PLLC, Riviera Beach, for Appellant.

No Appearance for Appellee.

PER CURIAM.

The Appellant, Marvin Williams, appeals the order summarily denying his motion filed pursuant to Florida Rule of Criminal Procedure 3.850. The trial court denied the motion because it concluded that the motion was not timely filed. However, pursuant to Maxwell v. State, 888 So. 2d 152, 153 (Fla. 5th DCA 2004), the motion was timely filed. Accordingly, we reverse the order under review and remand this case to the trial court to consider the motion on the merits.

REVERSED and REMANDED.

SAWAYA, PALMER and BERGER, JJ., concur.