

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

SIMON D. SINCLAIR,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D04-4363

Opinion filed January 19, 2005.

An appeal from the Circuit Court for Jackson County.  
William L. Wright, Judge.

Appellant, pro se.

Charles J. Crist, Attorney General; Bryan Jordan, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the trial court's order summarily denying his motion alleging ineffective assistance of counsel filed pursuant to Florida Rule of Criminal Procedure 3.850. The trial court denied the motion as untimely.

However, because the appellant filed his motion within two years of his conviction and sentence becoming final, we reverse the summary denial and remand for further proceedings. See Brower v. State, 701 So. 2d 433, 433 (Fla. 1st DCA 1997).

REVERSED AND REMANDED.

ALLEN, DAVIS and BROWNING, JJ. CONCUR.