

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

REXFORD TWEED,

Appellant,

v.

JAMES R. McDONOUGH, Secretary,
Florida Department of Corrections,

Appellee.

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

CASE NO. 1D06-4535

Opinion filed May 31, 2007.

An appeal from the Circuit Court for Leon County.
Thomas H. Bateman, III, Judge.

Rexford Tweed, pro se, Appellant.

Kathleen Von Hoene, General Counsel, and Holly N. Simcox, Assistant General
Counsel, Department of Corrections, Tallahassee, for Appellee.

PER CURIAM.

Appellant seeks review of an order which denied his mandamus as time-barred
under section 95.11(8), Florida Statutes. He argues, among other things, that the

circuit court erroneously computed the time for filing of a mandamus petition and that therefore dismissal of the mandamus petition was incorrect. The appellee has notified this court that it agrees and concedes error. We find this concession to be well-taken and accordingly the order is reversed and the cause is remanded for further proceedings.

REVERSED and REMANDED.

VAN NORTWICK, LEWIS, and ROBERTS, JJ., CONCUR.