

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2007

MARVIN JOHNSON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-1962

[November 21, 2007]

PER CURIAM.

This case is reversed and remanded for further review of appellant's June 26, 2006, rule 3.800(a) motion. As the state recognizes, that motion was not successive to the motion that was disposed of by the trial court's order of March 2006.

GUNTHER, GROSS and HAZOURI, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; William J. Berger, Judge; L.T. Case No. 90-16737CFB02.

Marvin Johnson, Malone, pro se.

Bill McCollum, Attorney General, Tallahassee, and Jeanine M. Germanowicz, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing