

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2008

DONALD HARRY EASTWOOD,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-3721

[December 24, 2008]

PER CURIAM.

The trial court summarily denied appellant's Florida Rule of Criminal Procedure 3.850 motion finding that it was filed beyond the two-year time limit of the rule. Fla. R. Crim. P. 3.850(b). We reverse and remand for further proceedings. Appellant timely filed his motion within two years of his convictions and sentences becoming final. *Cooper v. State*, 902 So. 2d 904 (Fla. 4th DCA 2005). *See also Small v. State*, 941 So. 2d 555 (Fla. 1st DCA 2006).

Reversed and Remanded for Further Proceedings.

KLEIN, HAZOURI and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case Nos. 02-13104CF10A & 03-14237 CF10A.

Donald Harry Eastwood, Okeechobee, 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.